

Offered By: Mr. Pobega

Second: Mr. Moore

Date: February 20, 2014

**Minutes of February 6, 2014 Land Use Board Meeting**

**Regular Meeting** of the Hazlet Township Land Use Board scheduled for February 6, 2014 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. Pobega, Mr. Vignola, Mr. Skowronski, Mr. Moore, Mr. Grossman, Mr. Szczuplak, Mr. Solomeno

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

**Absent:** Mr. Pisano, Mayor DiNardo, Deputy Mayor Belasco, Chairman Mr. Tyler, Mr. Lavan

**Approval of Minutes of the Regular Meeting of January 23, 2014**

Offered by: Mr. Bace

2<sup>nd</sup>: Mr. Vignola

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Pobega	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lavan	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Szczuplak (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Belasco (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor DiNardo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Pisano (absent)	<input type="checkbox"/>	<input type="checkbox"/>

**Memorial Resolution of Approval- # 13-28Z- Thomas Mastrogiovani and Elizabeth Strocchia; 9 Monmouth Street; Block 71 Lot 8; R-70 Zone. Applicant obtained permission to retain an existing deck around above ground pool and 10ft x 52ft concrete patio.**

**Motion to approve:**

**Offered by: Mr. Bace**

**2<sup>nd</sup>: Mr. Vignola**

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Pobega	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lavan	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Szczuplak (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Belasco (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor DiNardo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #1</b> Mr. Grossman (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #2</b> Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #3</b> Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #4</b> Mr. Pisano (absent)	<input type="checkbox"/>	<input type="checkbox"/>

**New Case # 13-29Z- Joseph Fay; 3 Kentucky Drive; Block 114 lot 3; R-70 Zone. Applicant is seeking permission to install a 16 x 32 in ground pool with paver patio.**

- **7ft rear yard setback where 10ft is required.**

Swearing in Mr. Joseph Fay

Mr. Pobega- Can you please give us the highlights of what you are trying to do?

Mr. Fay- I'm seeking the variance because I wanted the pool to be 7 feet off the property line in the back and it gives me more room towards the front of the house.

Mr. Pobega- So the room you're looking for is between the deck and the pool?

Mr. Fay- The deck is gone now.

Mrs. Keegan- Aren't you building a deck?

Mr. Fay- Yes this will be ground level

Mrs. Keegan- So the survey that we have here that shows both decks that's not what you're talking about?

Mr. Fay- No the elevated deck is gone now to the right of the house. There is going to be just a five foot platform on top that's just going to be stairs down to the deck that goes off my sliding glass doors.

Mr. Kittner- Mr. Fay the deck that's shown on your survey right now if you went out to your house there's a deck to the rear of the dwelling that's a raised elevated deck?

Mr. Fay- I removed that deck by 5ft to make room for the pool.

Mr. Kittner- So what your proposing is the deck that's shown on your grading plan to the right hand side there's another deck.

Mr. Fay- That's a 13x12 on the ground.

Mr. Kittner- Ok but you're maintaining the stairs?

Mr. Fay- Yes.

Mr. Vella-Just so the board understands the application, the applicant has requested a variance for a rear yard setback for the pool 7ft where 10ft is required. The applicant is installing pavers around the property up to the retaining wall in the back which creates a setback variance of 3ft where 10ft is required. There is a lot coverage variance of 46.8% where 25% is required.

Mr. Pobega- The size of the pool is 32x14ft?

Mr. Fay- 16x32ft.

Mr. Pobega- Have you considered a smaller pool?

Mr. Fay- I've looked at the 14x32ft but it's not for me.

Mr. Kittner- Would you say that other people in your neighborhood have pools and paver patio's in the rear of their yards?

Mr. Fay- No but I have seen a couple of people with above ground pools.

Mr. Kittner- Looking at the drawing with the deck and the landing area with the stairs it seems as that you would be able to shift the pool and at least resolve the variance for the 7ft. by moving it 3ft closer to the house. Are you ok with that?

Mr. Fay- Sure.

Mr. Pobega- The neighbor behind you is elevated?

Mr. Fay- Yes all of them are.

Mr. Pobega- Are there drainage problems back there?

Mr. Fay- No.

Mr. Kittner- In our January 20, 2014 letter states that because you are exceeding the impervious coverage limits that additional impervious coverage is going to generate more storm water run-off. Would you agree to have your engineer to provide some type of infiltration trench or drywall structure to capture that water and recharge it back into the ground for just in the additional coverage?

Mr. Fay- Absolutely.

Mrs. Keegan- A new grading plan is required if this is approved.

Mr. Vella- Since you are requiring him to move the pool 3ft closer to the house you can still also require him to remove 3ft of pavers off the rear which would provide at least a 6ft setback where 10ft is required.

Mr. Kittner- If you shaved off 3ft from the patio that will give you some room to plant some Arborvitae's or some type of plant material.

Mrs. Keegan- Mr. Fay you'd be willing to move the pool closer to the house to meet the 10ft setback?

Mr. Fay- If I have to I will.

Mr. Vella- He will be reducing 180sq feet by removing it 3 feet because he's paving 60 feet wide.

Mr. Kittner- They did note that there was a change in your grading plan it shows a rectangular pool and then you provided a detailed plan that showed the pool as a figure eight or kidney shape. What shape are you going with?

Mr. Fay- The figure eight it's called freeform.

Mr. Kittner- I just want to make you all aware that what's shown on the plan is not 100% accurate. He's actually proposing a kidney shaped pool that's shown on the plan entitled fiber glass swimming pool 16x32ft by Water World Fiber Glass Pools. That doesn't affect the paver's right?

Mr. Fay- That's going to affect everything if I move it 3ft.



Mr. Martin- The front part of the house is one story and the back part of the house is two stories and we just want to level it off by following the same foot print of the house that's existing.

Mr. Vella- As part of the application the applicant has submitted two photo's which I'll mark as A-1 picture of home and A-2 picture of home.

Mrs. Keegan- Also so there is no confusion there is a variance there for 980sq feet which 1,250 is required for the net floor for two story it's actually an error he's have 1,960sq feet adding the back part of the house.

Mr. Vella- So he will not need a variance for that?

Mrs. Keegan- No. Is the shed still on the property?

Mr. Martin- There's an aluminum shed but it's not in the location that's there.

Mrs. Keegan- Ok because when the pool was going in the shed was to be removed.

Mr. Martin- Yes correct it is coming out.

Mrs. Keegan- As long as your removing it.

Mr. Kittner- Mr. Martin do you have our January 30 letter?

Mr. Martin- I never received it.

Mr. Pobega- So the two photos that we have one of them looks like the front of the house and the other one is the side of the house.

Mr. Martin- Yes that's the side of the house that one is 19.3.

Mr. Pobega- From Hudson Street?

Mr. Martin- Yes, it's not 19.3 from the street since we don't have sidewalks it's actually 24 feet from the street to the foundation.

Mr. Vella- Yes well we go by the (inaudible).

Mr. Martin- I know I just wanted to point out that by looking at that it looks like it's 19.3 from the street.

Mr. Kittner- In our January 30 letter on page 2 item 4 we listed some additional variances that are required. These are mainly relating to the pool and set back variance, did you receive a relief for that?

Mr. Martin- Yes we did.

Mrs. Keegan- Actually no he did receive permits and everything for the pool and pavers but relief for those setbacks no because it's all coming into play at this point. I would like to put them into this variance so that it's covered. The pool went 6ft to the water's edge where 5ft is required and then his

pavers are 3ft where 5ft is required. So we would be adding on a 3ft side yard where 5ft is required for concrete around the pool and 7ft in the rear because it's 3ft in the rear of the concrete where 10ft would be required and you'd give it a front yard from Hudson currently the water's edge of the pool is at 20ft so 17ft where 20 is required.

Mr. Vella- The applicant is trying to come here for a front yard setback variance to put a second story on his house. The applicant has previously received a variance for the pool which creates a couple variances we are going to note as pre-existing that he did have approvals for which is the setbacks for the pool to Hudson for 17ft where 20ft is required, setback of 2ft for pavers where 3ft is required and also a rear yard setback of 7ft where 10ft is required. As a conditional of approval you will remove the shed which will reduce the lot coverage to 32% where 30% is required.

Mr. Kittner- Mr. Martin, for the record would you agree that your neighborhood is composed of many two story dwellings?

Mr. Martin- Yes it is.

Mr. Kittner- Your architectural treatment of the addition will enhance the neighborhood and will be consistent with the neighborhood?

Mr. Martin- Yes.

Mr. Kittner- Just for the record I noticed that the addition is a pretty large room with what appears to be a bathroom.

Mr. Martin- It's a master sweet.

Mr. Kittner- So how many bedrooms total does your house have?

Mr. Martin- 4.

Public hearing portion opened and closed.

**Motion to approve:**

Offered by: Mr. Solomeno

2<sup>nd</sup>: Mr. Szczuplak

ROLL CALL

	<u>Yes</u>	<u>No</u>
Mr.Pobega	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lavan (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Szczuplak	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler (absent)	<input type="checkbox"/>	<input type="checkbox"/>

Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Belasco (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor DiNardo (absent)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #1</b> Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #2</b> Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #3</b> Mr. Skowronski	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #4</b> Mr. Pisano (absent)	<input type="checkbox"/>	<input type="checkbox"/>

**New Case # 13- 12P- East Coast Properties LLC; 836 Highway 36; Block 69.01 lot 5 & 6; BH Zone. Applicant is seeking Major Site Plan approval to renovate an existing retail use into a Dollar Tree Discount Retail Use.**

- **13 parking space within the front yard setback**

Swearing in Attorney Jeffrey Gale.

Mr. Vella- I will mark A-1 as drawings entitled Site Plan for 836 Highway 36 consisting of 12 sheets prepared by TYLIN International dated September 30, 2013 with no revisions indicated.

Mr. Gale- This is a parcel that is currently developed with a 1500sq foot sheet metal structure. There is no proposed change to the size of the structure. The reason we are before the board is because there has been an application to increase the parking and increase the paved area around the building that will result in a different traffic circulation plan and for that purpose we come before the board with a site plan. The notice accurately reflects the fact that the current use is retail sales and that the proposed use is retail sales. We are not changing the nature of the use of the property however it currently is utilized as sales and salvage our client buy tractor trailer and train car loads of materials and puts them on the floor for sale. We have distinguished retail sales from dollar tree retail so there is no real change to the proposed use of the property. This application is for no more than two users so that ten years from now if Dollar Tree moves out and we have to split the space to two users we won't have to come back to the board. The testimony you will hear tonight will be for a 1,500sq foot end user Dollar Tree discount.

Mr. Vella- So you're asking for up to two end users both of retail sales only?

Mr. Gale- Correct. There are currently 20 parking spaces only and we are proposing 90 because that's what your ordinance would require based on regional shopping center.

Swearing in Engineer Brian Conroy with TYLIN International.

Mr. Gale- I draw your attention to the CME report dated January 30, 2014. I refer you to page 2 of that report items 1-4 which basically is an overview of the application as filed on behalf of this applicant. Is the information contained there correct based upon your review?

Mr. Conroy- It notes in the letter that there's 2 driveways in note number 2. There are currently 3 entrance/exits to the property. Part of our site plan is we are going to create two proper entrance/exits to the project.

Mr. Gale- The reason it's important to point that out is because one of the positive benefits of this application will be reducing the number of current cutter access points from the site onto the highway. Would it be an improvement if we reduced it from 3 to 2?

Mr. Conroy- Correct.

Mr. Gale- Other than that is the information contained in CME letter number 1-4 correct?

Mr. Conroy- Yes.

Mr. Gale- Page 3 item 5 indicates that we've requested a variance to allow 13 parking spaces in the front yard in fact the engineer from CME has determined that we are looking at 23 spaces in the front yard. Can you indicate why that difference appears?

Mr. Conroy- The front yard is from the front of the property line to the front of the building line.

Mr. Vella- For the record what you are looking at is sheet 2 which has been already been marked as A-1.

Mr. Gale- We were also talking about on the new plan why we said that there were 13 parking spaces in the front set back and the board engineer points out that there is 23.

Mr. Conroy- Site plan sheet number 4 of 12 the building is setback from the front yard setback line so the parking here is within the front yard but they are considering the front yard the front face of the building that would include the additional spaces to either side.

Mr. Gale- The engineer is correct and our interpretation was a foul?

Mr. Conroy- Right.

Mr. Gale- And based upon that we amend our request to request that there is only 3 spaces be permitted within the front yard area. Is that a duplication of the spaces that's currently at the site?

Mr. Conroy- The existing spaces are shown on the existing condition plan the size of the spaces are approximately the same as what's proposed 10x20.

Mr. Gale- In terms of a net difference, the net difference based on the CME calculation would be seeking 3 more spaces in the front yard that presently exist?

Mr. Conroy- Correct. I'd like to note that there is additional parking that's just not delineated on the existing conditions there's a gravel area pretty much around the building which anything could be parked in this area.

Mr. Pobega- How many total parking spots?

Mr. Conroy- Proposed 90.

Mr. Pobega- Are they all 10x20?

Mr. Conroy- The handicapped spaces are 8x20, there's 90 degree parking which is 23x9 and the remainder of the spaces around the property are 10x20. The handicap spaces are in accordance with the ADA requirement so they comply with all of the regulations.

Mr. Pobega- Are those five spaces along the front absolutely needed there?

Mr. Conroy- We are trying to maximize the amount of parking as per your ordinance.

Mr. Gale- Drawing your attention to item 6 about the signage. We are seeking a 122.28sq foot sign where 100sq foot would be maximum.

Mr. Conroy- The proposed sign is to the driveway to the left of the drawing within the grass island. Per the ordinance the sign has to be within a 25ft sign setback line. The sign is approximately 30ft from the property line.

Mr. Gale- We are not seeking a variance for the sign setback but would that be a basis for requesting a slightly larger sign for visibility purposes?

Mr. Conroy- Yes

Mr. Gale- And is it important that a sign be visible some distance up the highway in order to provide adequate notice?

Mr. Conroy- Yes.

Mr. Kittner- Regarding the sign location I just want to bring one point out to the board although the sign location complies to the ordinance the applicant and the board may want to consider moving the sign closer to the highway assuming there is proper testimony demonstrating that's conforming to the surrounding properties. A sign that is setback too far is in my opinion dangerous for motorists.

Mr. Gale- Section 6B indicates that where the off street parking or loading area proposed is supposed to be 50ft from the lot in any residential zone. There's a 20ft wide buffer and we are relying on existing trees and vegetation and the board engineer is recommending two rows in a staggered formation to comply with the requirements. Can you describe the existing vegetation?

Mr. Conroy- The existing vegetation is deciduous trees and shrubs. It's not too thick. To comply with the requirements with the trees we've planted evergreen behind the segment of block wall we have surrounding the property to provide additional buffer.

Mr. Gale- The engineer has suggested that you use two rows of plantings as opposed to one in a staggered formation. Would that substantially change the number of trees planted?

Mr. Conroy- It would increase the number of trees by half.

Mr. Gale- Are you opposed of the buffer trees Eastern Red Cedar suggested by the engineer? Could we do that on the two sides that face the residential homes?

Mr. Conroy- That is a buffering tree. Since the side to the left is a commercial property the ordinance for the buffer, we would recommend doing that for the residential portion.

Mr. Gale- Do we need the trees on the side facing the commercial?

Mr. Conroy- We are just trying to maintain the buffer around the property.

Mr. Kittner- The applicant is raising the site anywhere from 1-3 feet to accommodate the underground storage system that they are proposing for storm water management. So that is elevating the ground, the parking lot or any cars that may be parking in that area by 1-3 feet so that was one of our concerns with buffering. If you actually drive by the site I would agree the existing trees there are deciduous in nature so there's not much of a buffer between this site and the residential homes. The board really has to consider a good buffering plan to protect the residents from headlight glare from activity at this site. Mr. Conroy can you show me on your plan where you will put the double plantings?

Mr. Conroy- The rear portion of the property and the right side of the property.

Mr. Kittner- Can you describe the use on the west side of the property?

Mr. Conroy- It's a commercial building Advanced Auto.

Mr. Gale- When you say raising the building 1-3 feet what portion is one and what portion is 3?

Mr. Conroy- It's a little higher in the southern portion of the property and lower towards the front.

Mr. Vella- Can you please explain to the board why the pavement is going into the 50ft limit vegetation buffer?

Mr. Conroy- The 50ft setback buffer is right on the curb line we are trying to keep the parking out of that 50ft.

Mr. Vella- I'm talking left to right.

Mr. Conroy- This is for the trucks that will doing deliveries. There are two garage door entrances back there so we want to provide enough space for turn around. I provide a plan that shows circulation that we designed it for WD50 which is a large vehicle.

Mr. Solomeno- What's the distance between the black top of the property and the nearest residence?

Mr. Conroy- 25ft. to the property line.

Mr. Solomeno- Is that within our ordinance?

Mr. Kittner- The required buffering to the residential houses is shown as 20ft on the side yards so to a residential zone you have buffer 20ft. There is a requirement in the ordinance that if your within that 50ft with any residential zone with a loading area or parking that no building or structure can be built within a 20ft buffer strip.

Mr. Solomeno- So it's in compliance with what the ordinance says?

Mr. Vella- It's not a strict numerical ordinance. Once you go inside the 50 you have to provide a buffer strip.

Mr. Conroy- It's 66ft from the back of the property to the curb line for the loading zone. We are well within that 25ft from the property line to that area.

Mr. Kittner- Under the existing conditions what is the distance from the property line of the existing vegetation?

Mr. Conroy- In the rear of the property the tree line is the furthest back there is more clearing than where we need to be in the furthest point in the back.

Mr. Szczuplak- How many feet of encroachment are we talking here?

Mr. Conroy- 10-20ft. in certain areas in the rear.

Mr. Kittner- On your demo plan you see two tree lines one is an existing tree line and the other is proposed. It also seems to overlap the existing tree line so looking at the landscape plan-

Mr. Conroy- I left the tree line on there so you can see the limit of the disturbance based on the existing conditions so you can see what areas we were pulling back where the existing tree lines are.

Mr. Kittner- This plan suggests that you're actually filling in trees in this location.

Mr. Conroy- We are. This would be the limit of our clearing area.

Mr. Kittner- The trees that are shown on the landscape plan would fill in this area the overlap.

Mr. Conroy- Correct I need to show the disturbed area and that's what my intent was with the tree line.

Mr. Pobega- How big are the trucks using the loading area?

Mr. Conroy- We designed it for tractor trailers to be able to turn around to load.

Mr. Solomeno- My question is why is there a difference in requirements with going from the East Coast Liquidators to a different-

Mr. Gale- (inaudible) because of the increased parking and for that reason we (inaudible). The use isn't changing the 15,000 square feet isn't changing.

Mr. Solomeno- I understand that but my question is then does that trigger the need to increase the size of the loading area?

Mr. Vella- The increase that they are proposing here has nothing to do with the zoning officer it has to do with the applicant wanting to have a safe turn around area for their trucks to use the existing loading zone area in the rear of the facility.

Mr. Gale- We have pre-existing non-conforming uses. The structures that exist before Hazlet passed it Zoning rules and that would not (inaudible). As long we don't make changes to the size of the building or the configuration of the parking, as long as we make no changes and go from one retail use to the next we wouldn't have to come before the board but when you want to start making improvements you lose that pre-existing non-conforming and now you must comply with all the regulations that have been passed from 1965-present. Some of the variances that are being requested as part of the application come about because of the location of the building on the site. If we started with a vacant piece of land we could probably have designed a nicer singular parking lot off the road side and maybe we would have set it back a little bit and have the loading zone on one side the only way to do that now is to tear it down.

Mr. Solomeno- We lost 10-20ft of encroachment does that create a continuous buffer strip?

Mr. Kittner-If you were to double row the plantings that would be an adequate buffer. We were concerned with the 8ft spacing and the plantings when they weren't mature. By planting a staggered row that enhances the buffering. You may have some bleed through with head lights until the plantings fully grow.

Mr. Conroy- The existing vegetation we are trying to not impact in the rear it will stay. In accordance with our plans as far as our permits we're going mitigate and provide additional plantings when we submit for our DEP permit. We are not proposing to impact the existing trees.

Mr. Kittner- When I drove the site the rear was most sensitive were more prevalent and higher up. Does that loading zone have to be 66ft in depth? Can you reduce the size of the loading zone so you can maintain as much as the buffer as possible?

Mr. Conroy- To allow a WD50 to properly back into the space I'd say I've seen them do it but to make the proper turn it would be tight.

Mr. Vella- What's the minimum depth?

Mr. Conroy- 66ft is from the building to the curb line; the WD50 is almost 60ft. so you're only 16 more feet in front of the cab.

Mr. Kittner- Can the base be angled?

Mr. Conroy- The existing garages are perpendicular with the site.

Mr. Gale- Items 6C indicates that the interior driveway shall be at least 20ft in width where using 45 degree angles and we've proposed 13. Can we show the board the width of the proposed drive isles are?

Mr. Conroy- Site plan sheet 12 the driveway to the right is a 24ft drive isle to allow two way driving. On the left side is a 22ft driveway for a one way access and its 60 degree parking with 13ft drive isle.

Discussion regarding the drive isles.

Mr. Conroy- We will be submitting to DOT so this is not part of your plans. I provided an alternative where the entrance would be the other side and that would allow the one way down and come up. I will mark this as A-2 Alternative Circulation Plan.

Mr. Gale- We are proposing that we are prepared to amend our plans to incorporate this. There is no change to the internal configurations?

Mr. Conroy- Internal configurations stay the same. The trucks would come in the second entrance and either go straight down the two way drive isle or make the immediate right which is also a two way drive isle.

Mr. Gale- The entrance would now be the wider drive isle?

Mr. Conroy- The furthest drive isle. This would give better circulation and you could see the front of the building and have an opportunity to enter to the left.

Mr. Grossman- How parking spots are on each side of the building?

Mr. Conroy- There are roughly 42 on the left.

Mr. Grossman- Do you need a variance to reduce the number of spots?

Mr. Conroy- Yes. There are 5 spots along the front.

Mr. Bace- How many spots do you need?

Mr. Gale- I need to be careful because if another retail user comes along that would require more parking.

Mr. Grossman- Could you eliminate one side of parking?

Mr. Gale- I can't tell you that we can take away all of the spaces on either side of the building.

Mr. Skowronski- What's the maximum number of employees that you will have on?

Mr. Gale- The current tenant has four.

Mr. Vella- Our engineer hasn't seen this alternative design, will you plan on proposing since the access is DOT which we don't have control of, when you apply for DOT are you going to suggest that these two entrances either in only one out only the other or in and out both?

Mr. Conroy- There are 3 existing driveways right now and the DOT could say eliminate one and leave the two and that could be the application and it would still be two in and two out. We are trying to better the site.

Mr. Kittner- Is there a reason why the configuration you have here shows the exit all the way to the west and your entrance all the way to the east is it possible to switch those?

Mr. Conroy- That's based on what the DOT prefers.

Mr. Skowronski- What are the hours going to be?

Mr. Conroy- I have an email from dollar tree and they said 9am to 9pm and they average about 5 employees per store.

Mr. Skowronski- What about the deliveries?

Mr. Conroy- Dollar Tree would prefer to have midnight to 7am window.

Mr. Gale- It's not unusual to have evening delivery hours.

Mr. Bace- Those delivery hours are not going to work. What kind of lighting is going to be back there for deliveries?

Mr. Solomeno- What are the hours for the Quick Check shopping center or if they have any restrictions?

Mr. Vella- I don't know if they have restrictions. I think we are looping around in circles with the parking, safety and landscaping issues. I think those issues are going to be something that our engineers have not reviewed those calculations which the engineer has talked about our engineer has not even seen this alternate plan with the DOT. To use our time more efficiently is that the parking issues, drive isle issues, and the landscape issues we table those issues for now.

Mr. Gale- If we were to reduce the parking spaces from 90 to 70 is that something the board would entertain in terms of lifting the variance for 20 spaces?

Mr. Vella- If our engineer says that is a sufficient amount of parking for that retail site would the board think that is an unreasonable request?

Mr. Solomeno- I'm not too much into the parking but what troubles me is that we're not talking about a Dollar Tree we're talking about a retail space but then in your own comments you've come back to

reference the hours of the Dollar Tree. I don't think you've sufficiently answered the continuous buffer strip.

Mr. Gale- Initially we provided in testimony that it's Dollar Tree the board asks how many space would Dollar Tree require and we responded based on Dollar Tree at the same time we've provided number of spaces required in the ordinance so that it would be any use. We are willing to modify the number based on what we know on the use today. If we have to start with something we will start with what dollar tree has. We're not suggesting when it's convenient for us it should be Dollar Tree you're asking us to we're telling you the hours of operation which I'm sure you'll use in the resolution assuming we get one. Same thing goes with the number of parking spaces I'm trying to be as careful as I can to say this approval can't be limited to just Dollar Tree. We are responding to the specific questions you're asking as to what Dollar Tree wants and we'll being very careful by saying please don't assume that Dollar Tree (inaudible) nothing is forever.

Mr. Vella- Dollar Tree is not buying the property so you have to look at it as what is appropriate for a 15,000 square foot retail center.

Swearing in Robert Gross owner.

Mr. Vella- We wanted to see if you can answer the chairman's question about architectural improvements or the physical building.

Mr. Gross – Dollar Tree is redoing the whole inside of the building. I'm doing all of the paving, new air conditioners, the lighting and landscaping.

Mr. Vella- Are there going to be any modifications to the existing looks of the building? Is the exterior going to be resided or repainted?

Mr. Gross– It's going to be repainted.

Mr. Gale- There will be no changes to the material of the siding?

Mr. Gross– No.

Mr. Pobega- Is there a walkway around the full building?

Mr. Gross- No the walkway is in the front of the building.

Mr. Vella- You are proposing walkways around the building to accommodate parking correct?

Mr. Conroy- Yes. The sidewalk will be on the front and the two sides.

Mr. Grossman- The existing building shows grade level garages and you're going to build a loading dock for the trailers?

Mr. Gross- Yes. There is no loading dock it's going to be ground level.

Mr. Bace- Will they be using forklifts to get the merchandise off the trucks?

Mr. Conroy- I don't know the operation of the user.

Mr. Gross- Right now we unload using the side garage but sometimes with smaller trucks we unload in the back.

Mrs. Keegan- So would the side garage door be closed?

Mr. Gross- Yes.

Mrs. Keegan- What about foundation plantings around the building?

Mr. Gale- From the current pictures the windows are literally down to the ground. We'd rather create the buffer on the residential side which is why we agreed to the staggered trees. Putting the trees in the isles of the parking lot we're not trying to avoid that but each time we take 6ft to do plantings around the side of the building that's 6ft less we have for a drive isle or parking space.

Mr. Bace- If the Dollar Tree was to come in and let's say had 9am-9pm hours of operation and a second tenant came in would they also have to comply same hours?

Mr. Gale- Assuming if you put a restriction in.

Mr. Pobega- How important is the second retail use?

Mr. Gross- Pretty important.

Mr. Vella- It's not so different than something of a strip mall. You want to consider it as a retail site.

Mr. Solomeno- are there existing restrictions there for hours of operation?

Mr. Vella- Probably not.

Mr. Gale- One question your engineer brought up was why is there no easement shown at the rear of the property for the sanitary. Mr. Gross perhaps you can answer that.

Mr. Gross- I was told there definitely an easement there because we have two sewer drains in the back that goes off the back of the building and through the rear yard.

Mr. Gale- The best that we can determine is that there was a lateral installed (inaudible) this property and we found a recorded easement that would allow them to show it on the plan.

Mr. Kittner- Our concern was your proposing improvements that can encroach within the easement if it does exist.

Mr. Gale- We couldn't find the recorded easement.

Mr. Vella- The easement is on the residential side of the lot?

Mr. Gale- We didn't check that but we believe that to be true.

Mr. Vella- Mr. Gale ask your title company to do just an easement search.

Mr. Gale- You had asked if the loading docks were on grade, I was told that the gravel (inaudible) and if you take that the gravel it actually goes down to 48 inches to grade and we will amend the plans to show it.

Mr. Grossman- You can't unload a trailer like that it needs to be level. What I would like to see is to have all the parking on one side of the building and have the other side just for trucks.

Mr. Vella- Don't worry about the word Dollar Tree. This is a retail shop with deliveries. It doesn't matter if it's Dollar Tree or any of those that comes in. If they have deliveries and you want to put conditions limiting those truck deliveries so it doesn't really matter.

Mr. Gale- One of the proposals is for a drainage system. Can you describe to the board where it is proposed where it will be located on site and how it is maintained.

Mr. Conroy- The details are shown on the detail sheet 11 of 12. The intent of the storm tank is that there is a lot of board space with these tanks. Manufacturers have a HS20 rating meaning tractor trailers can drive over them. Its 18 inches high by 18 inches long by 36 inches.

Mr. Kittner- Are you providing the appropriate cover recommended by the manufacturer with your design?

Mr. Conroy- Yes. There's a liner that goes around these tanks so it's an enclosed system. The impervious liner is to keep the water in the tank and drain it out the outlet structure so it won't infiltrate into the soil. Its system is shown in three segments and it will drain because it's one complete system with one outlet structure. Each inlet will take a small drainage area the inlet and the pipe will be able to handle that.

Mr. Gale- How many locations do we have for the roof drainage?

Mr. Conroy- We will determine that will the architect and will all feed into the tank and naturally go to the left side of the building where there's an outlet structure.

Mr. Gale- What we are asking for the board to approve is the system as it sits within the site with further approval to the DOT.

Mr. Pobega- So the residents behind wouldn't impacted at all?

Mr. Conroy- No there is a storm pipe with a head wall so it would eventually go into your municipal system.

Mr. Gale- what's the regular maintenance?

Mr. Conroy- Quarterly.

Mr. Kittner- The site is located in a PA1 Zone.

Mr. Conroy- Yes it's in a metropolitan planning area zone and in that zone you're not required to do ground water recharge.

Mr. Kittner- You are required for quantity reduction?

Mr. Conroy- Correct.

Mr. Kittner- Would you agree major development should be designed in accordance of the BMP's?

Mr. Conroy- Correct.

Mr. Kittner- Have you preformed soil testing for this site?

Mr. Conroy- Ground water wouldn't be a concern because it's a closed system.

Mr. Kittner- The system would normally have to be one foot above the seasonal ground work. Are you concerned with possible infiltration of the ground water in the system?

Mr. Conroy- It's designed to take the HS20 loading if installed properly so I'm not concerned.

Mr. Kittner- You application increases impervious coverage by .24 acres and under the BMP's if you increase the coverage by .25 acres you have to provide water quality measures. For the record does this provide any water quality measures as recognized from DEP.?

Mr. Conroy- No we are not requiring any water quality devices.

Mr. Conroy- We are not in a flood hazard zone.

Mr. Kittner- If the system were to clog how would you fix that?

Mr. Conroy- There are ports from the manufacturer and a sum pump can come and clean it out.

Mr. Kittner- Are there any modifications you can make to the design to facilitate maintenance to the system?

Mr. Conroy- I would provide minutes and operations manual.

Mr. Kittner- What's the drain time in this system?

Mr. Conroy- I believe it was 72 hours.

Mr. Vella- We will carry this matter to March 6, 2014 with no further notice.

**Citizen Hearing:**

**Closed**

**VOICE VOTE: Yes**

**Motion to Adjourn:**

**Offered By: Mr. Szczuplak**

**Seconded By: Mr. Pobega**

**VOICE VOTE: Yes**

**Next Meeting: February 20, 2014**

**Patricia Cullen**

**Secretary**

