

Ronald Troppoli, Board Attorney called the meeting to order and the Administrative Officer read the opening statement.

Board Attorney Troppoli administered the Oath of Allegiance to returning board members Paul Sayah, Richard Mertens and new member Matthew Gonzalez.

ROLL CALL: The roll call showed the following members present: Matthew Hughes, Richard Mertens, Thomas O'Donnell, Jose Orozco, Paul Sayah, Glenn Cantor, Matthew Gonzalez and Wendell Nanson. James Moretti was excused.

Also in attendance were Charles Cunliffe, Board Engineer, Jennifer Beahm, Board Planner, Shari Spero, Board Certified Tree Expert, Matthew Howard, Director of Land Use and Eileen Rubano, Board Secretary

PLEDGE OF ALLEGIANCE:

REORGANIZATION:

Mr. Troppoli announced that the first order of business on the Reorganization Agenda was the Nomination for Chairman.

Mr. Hughes moved the nomination of Wendell Nanson for Chairman which motion was seconded by Mr. Sayah and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

Board Attorney Troppoli turned the meeting over to Chairman Nanson.

Chairman Nanson asked for a nomination for Vice Chairman. Mr. O'Donnell moved the nomination of Paul Sayah for Vice Chairman which motion was seconded by Mr. Orozco and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

Chairman Nanson asked for a nomination for Secretary. Mr. O'Donnell nominated Richard Mertens as Secretary which motion was seconded by Mr. Sayah and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

Chairman Nanson asked for nominations for Consulting Attorney. Mr. O'Donnell moved that the Board reappoint Ronald Troppoli, Esquire, for Board Attorney which motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

Chairman Nanson asked for a nomination for Consulting Engineer. Mr. Hughes moved that the Board reappoint Charles Cunliffe PE, from the firm of T and M Associates which motion was seconded by Mr. Mertens and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

Chairman Nanson asked for a nomination for Consulting Planner. Mr. O'Donnell moved that the Board reappoint Jennifer Beahm, PP, AICP, from the firm of Leon Avakian Inc. which motion was seconded by Mr. Orozco and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

Chairman Nanson asked for nominations for the Certified Tree Expert. Mr. Mertens moved that the Board reappoint Shari Spero, CTE, from the firm of CME Associates which motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

Chairman Nanson asked for nominations for the Administrative Officer. Mr. O'Donnell moved that the Board nominate Eileen Rubano for Administrative Officer which motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

The Chairman asked for nominations for Recording Secretary. Mr. Hughes moved that the Board nominate Eileen Rubano for Recording Secretary which motion was seconded by Mr. Mertens and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

Chairman Nanson asked if there was a motion to memorialize the resolution for the 2020 meeting dates. The Secretary said they approved the dates back in December and just had to memorialize the resolution. Mr. Hughes made a motion to memorialize the resolution for the Meeting Dates for 2020 which motion was seconded by Mr. Cantor and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Nanson voting for the motion.

Chairman Nanson announced that the official newspapers were determined by the Council and the Board Secretary said they were The Asbury Park Press, The Star Ledger and The Tri-Town News.

Chairman Nanson announced the Appointments for the Site Review Committee as follows: Thomas O'Donnell, Chairman; and Matthew Hughes and Jose Orozco as Members.

Chairman Nanson announced the Appointments for the Rules Committee as follows: Wendell Nanson, Chairman; and Paul Sayah and Richard Mertens as Members.

Since there was no other business the Reorganization meeting concluded and the Zoning Board of Adjustment's Regular meeting commenced.

REGULAR MEETING

APPROVAL OF MINUTES: There were no minutes to approve at this meeting.

VOUCHERS: There were no vouchers to approve.

CORRESPONDENCE: The Board Secretary had a letter from Michael Vitiello, Attorney for Sakoutis Realty giving a status update on their application and asking for them to be scheduled for a public hearing on March 9, 2020. After some discussion and information from the Board Professionals as to the meetings with the applicant, the Board decided to schedule this application for March 9, 2020.

The Board Secretary also mentioned that she left the list of meeting dates for the year and the roster of members. She asked everyone to look it over and let her know if there were any additions or corrections. Once the roster is updated the Board Secretary will send a copy to everyone.

SWEARING IN OF BOARD PROFESSIONALS: Charles Cunliffe, Jennifer Beahm, Shari Spero and Matthew Howard were sworn in by Board Attorney Troppoli.

RESOLUTIONS:

a. **Case No. BA19-21 / Christian Eason**

Mr. Mertens made a motion to memorialize the resolution granting a Certificate of Nonconformity to Christian Eason. Motion was seconded by Mr. Cantor and carried with Messrs. Mertens, Orozco, Cantor and Nanson voting to memorialize.

APPLICATIONS BEFORE THE BOARD:

a. **Case No. BA18-36 / 1294 Equities, LLC**

Dante Alfieri, Attorney for the Applicant, appeared and reminded the Board that this was a continued hearing and Mr. Troppoli agreed and said the witnesses that were previously sworn remain under oath.

John DiFazio, Owner/Applicant, was duly sworn and testified on the operations of the business. He said there would be 8 to 10 employees on site with 8-10 passenger vehicles and another 8 to 10 non-articulating vehicles. His hours of operations would range from 5:00 a.m. to 5:00 p.m. with many employees leaving the site by 6 a.m. and returning by 5 p.m. The administrative staff works between 8:30 and 5 p.m. and deliveries to the site would be between 8 a.m. and 4 p.m. He also testified that some of his vehicles are diesel trucks with back up alarms but they have been lowered and they will be backed into the warehouse in the evening so they can pull out in the morning. He thinks the 12,000 s.f. warehouse is large enough to store everything indoors and most waste is disposed of the site, not at this location. They would only bring surplus material back here such as pvc pipes or copper and other non-ferrous items, which would be stored inside. He also said he had no issue if the Board said there could be no outside storage of materials.

Upon further questioning Mr. DiFazio testified that he may keep up to six (6) crew trucks parked outside along with a mini excavator. The other 3 or 4 vehicles would be parked in the warehouse.

Mr. Cunliffe said the Board likes to see vehicles parked on concrete pavement for runoff purposes and asked if the applicant would be okay with that. Mr. Alfieri said they had no issue with parking on concrete. Mr. Cunliffe also asked if there would be any maintenance

of the vehicles done on site and Mr. DiFazio said all the maintenance is done in his facility in New York but should they have a broken hydraulic line they would fix it here and they would have spill kits on hand. He said they were not installing floor drains and they would have no hazardous or flammable materials on site.

Mr. DiFazio also agreed that the office use was associated with his business, there would be no other contractors using this facility and no subletting. He also said there are no members of the public visiting this site.

Josh Sewald, PE, who was previously sworn, testified to the changes he made to the site plans since the last hearing. The entire development was shifted 5' north, closer to lot 14 and is now out of the farmland buffer. They also shifted the access aisle and driveway 15' west and still comply with the General Permit 10. This enabled them to get a 15' radius out of the driveway.

There was a lot of discussion on meeting the Fire Bureau's comment for a 30' access aisle and Mr. Sewald said if he had the room he would make it 30' but they don't, especially with the radius to the east and wetlands to the left, there are too many constraints to get to 30 feet.

Mr. Cunliffe asked if he talked to the neighbor about getting an easement and Mr. Sewald said the DOT will not allow it and they already have a zero foot edge clearance. There are too many DEP and DOT concerns with this site.

There was also a lot of discussion on the overlap with vehicles entering and exiting the site and stacking up on Route 33. Mr. Sewald said there is not a lot of traffic at this site and he does not anticipate conflicts with vehicles entering and exiting the site at the same time, especially with no retail operations. He also said that a fire truck can traverse the site.

Ms. Beahm mentioned that a use variance goes with the land so we need to be very specific as another warehouse user may not have the same operations, numbers of vehicles, etc. She also mentioned paving another section of the site to open up the circulation area for the trucks and Mr. Sewald said he could definitely do that.

Mr. Sewald also testified that if the DOT will not allow signage prohibiting tractor trailers from entering the site he would put one just outside the right-of-way on their property.

Mr. Troppoli said he has 10 or 15 conditions already, so should the Board look favorably on the application the resolution would be tailored strictly for this use. Anyone else would have to come back to the Board.

Mr. Sewald testified on the trash enclosure and mentioned two possible locations. Mr. Beahm agreed that over by the 6 parking spots to the west of the site seemed most appropriate and Mr. Sewald agreed and also said it would be enclosed. He also testified on the retaining wall between this site and lot 14. It will be between 1.5 and 3 feet high on the property line and will require relief. They are also requesting relief for the sidewalks on Route 33 and they have no issues with contributing to the sidewalk fund in lieu of installing sidewalks.

The Board took a short recess from 9:00 to 9:13 p.m.

Andrew Jafolla, who was previously sworn, testified on the NJDOT access permit. After some back and forth, the DOT is ready to issue the permit but needs either a resolution

from this board or a deed consolidating the two lots. He also said that he will need to submit the revised plans showing the driveway relocated to the west but he doesn't foresee any issues. Mr. Jafolla also put testimony on the record regarding traffic entering and exiting the site and said he would also address the signage for no tractor trailers on the revised DOT plans but he is not optimistic that they will allow it.

Ms. Beahm is still concerned about traffic backing up on 33 and asked Mr. Jafolla if he took into account the two new developments in the area. Mr. Jafolla testified that he did take them into account but since they are both senior developments they will have different peak times and the traffic for this site is well before peak traffic hours.

Mr. Cunliffe took no exception to Mr. Jafolla's testimony and said the DOT has jurisdiction on the method of ingress and egress and the resolution is going to be very specific.

Mr. Sewald was brought back up to testify on the width of the driveway and he assured the board that he can get that to 25 feet wide and he will stripe the fire lanes.

Christine Cofone, PP, was previously sworn at the last meeting. She put her credentials on the record and was accepted as an expert witness. She testified that this particular use is very well suited for this particular property but warehouse use is not permitted in the HD-3 zone. She said the challenges of the site goes to the particular suitability especially with limited frontage and wetlands. She testified on the positive criteria and said this site advances purposes of zoning items G, H, I and M. She also testified on the negative criteria but feels that they meet their burden of proof for the granting of the use variance, bulk variances and waivers requested.

Ms. Beahm said the site is challenging and takes no exception to the particular suitability. As for the positive criteria they only need to meet one and she agrees with items G, I and M but does not think item H is advanced. She also cautioned the applicant that there is a residential property adjacent to them and they need to watch the noise ordinance as 50 decibels is not very high. She also mentioned that the environmental commission has requested that the applicant meet with them to go over their comments. She said this should be done before the Board acts but she leaves it up to the Board on whether the applicant needs to go back.

The Board asked Josh Sewald to come back up and testify on the environmental commission comments and he said all the comments were addressed in his letter dated 9/20/19. When he was done, Ms. Beahm said she has no problem with his testimony.

Mr. Sayah asked if the applicant was willing to apply for Title 39 so the police could issue summonses on the property especially since it is not gated and cannot be seen from the roadway. The applicant agreed.

Chairman Nanson opened the hearing up for member of the public wishing to ask questions or comment on the application. Since no one came forward, the Chairman closed the public portion of the hearing.

After Mr. Alfieri gave a short summation, Mr. Sayah made a motion to approve the application of 1294 Equities LLC for a Use Variance, Preliminary and Final Site Plan, Bulk Variances and waivers. Motion was seconded by Mr. Hughes and carried with

Messrs. Hughes, Mertens, Orozco, Sayah, Cantor and Nanson voting in favor of the application.

b. Case No. BA19-13 / JAT Associates, LLP

Since it was too late to start another application the Chairman made an announcement that the application for JAT Associates would be carried to February 10, 2020 with no further notice.

Mr. Sayah made a motion to adjourn the meeting. Motion was seconded by Mr. Orozco and carried. Meeting adjourned at 10:25 p.m.

**Respectfully submitted,
Eileen Rubano, Recording Secretary**

NOTE: A CD or DVD of this meeting is available on request.