

Vice Chairman Sayah called the meeting to order and the Administrative Officer read the opening statement.

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

Also in attendance were Ron Troppoli, Board Attorney, 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:

APPROVAL OF MINUTES:

Mr. Hughes made a motion to approve the minutes of the November 25, 2019 meeting. Motion was seconded by Mr. Moretti and carried with Messrs. Hughes, Moretti, Orozco, Sayah and Cantor voting for the motion.

Mr., Moretti made a motion to approve the minutes of the December 9, 2019 meeting. Motion was seconded by Hughes and carried with Messrs. Hughes, Mertens, Moretti, O'Donnell, Orozco and Cantor voting for the motion.

Mr. Mertens made a motion to approve the minutes of the December 16, 2019 meeting. Motion was seconded by Mr. Moretti and carried with Messrs. Mertens, Moretti, Orozco and Cantor voting for the motion.

Mr. Cantor made a motion to approve the minutes of the January 13, 2020 Reorganization and Regular meeting. Motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah, Cantor and Gonzalez voting for the motion.

VOUCHERS: Mr. Troppoli submitted two vouchers which were passed around for the members to review and action will be taken at the end of the meeting.

CORRESPONDENCE:

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

RESOLUTIONS:

a. **Zoning Board Attorney**

Mr. O'Donnell made a motion to memorialize the resolution appointing Mr. Troppoli as the Board Attorney for 2020. Motion was seconded by Mr. Orozco and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah and Cantor voting for the motion.

b. Zoning Board Engineer

Mr. Mertens made a motion to memorialize the resolution appointing Mr. Cunliffe from T and M Associates as the Board Engineer for 2020. Motion was seconded by Mr. O'Donnell and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah and Cantor voting for the motion.

c. Zoning Board Planner

Mr. Cantor made a motion to memorialize the resolution appointing Ms. Beahm from Leon S. Avakian, Inc. as the Board Planner for 2020. Motion was seconded by Mr. Orozco and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah and Cantor voting to memorialize.

d. Zoning Board Certified Tree Expert

Mr. Hughes made a motion to memorialize the resolution appointing Ms. Spero from CME Associates as the Board Certified Tree Expert for 2020. Motion was seconded by Mr. O'Donnell and carried with Messrs. Hughes, Mertens, O'Donnell, Orozco, Sayah and Cantor voting for the motion.

e. Case No. BA18-36 / 1294 Equities, LLC

Mr. Hughes made a motion to memorialize the resolution granting Use Variance and Preliminary and Final Site Plan approval to 1294 Equities, LLC. Motion was seconded by Mr. Mertens and carried with Messrs. Hughes, Mertens, Orozco, Sayah and Cantor voting to memorialize.

APPLICATIONS BEFORE THE BOARD:

a. Case No. BA15-19X / Gross and Gross Associates, LLC

Salvatore Alfieri, Attorney for the Applicant, appeared and said they were seeking their second One-Year extension of time. The applicant was granted Preliminary Subdivision approval in 2015 and their first one year extension of time last year. They are entitled to ask for one more extension. He said they expect to file for final subdivision approval for phase 1 within 30 days and by the end of 2020 or final phase. He also gave the board an update on the outside agency approvals.

Mr. O'Donnell made a motion to grant the one year extension to Gross and Gross. Motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Mertens, Moretti, O'Donnell, Orozco, Cantor and Sayah voting for the motion.

b. Case No. BA19-11 / Kay10 Holding, LLC

Salvatore Alfieri, Attorney for the Applicant, appeared and said this is a continued hearing and at the last hearing the Board heard from the Engineer and Architect and they made some stipulations. He said that if approved the site plan will be revised and the stormwater management will comply with the 50' buffer. The trash receptacles will be enclosed in a masonry block structure and they will limit the types of uses and will have no trades

people, no retail and only 10 percent of the space will be allowed for offices. He also reminded the Board that one of the neighbors spoke at the last hearing and although they did not object, they asked for landscaping or fencing to shield the lights and they will add that to the site plan as well.

Mr. Alfieri said the Board asked them to limit the hours of operation for the front building and they will stipulate to 9:00 a.m. to 6:00 p.m., Monday through Friday for that front building. As far as sidewalks on Oak Glen the Board felt they should pay into the sidewalk fund so he defers to the Board on that. He also said that the building façade sign will comply with the ordinance but they may exceed the number of signs permitted. Mr. Alfieri said he checked with the Architect and the mechanicals will be mounted on the roof shielded by parapets.

Frank Miskovich, PE, Traffic Engineer, was previously sworn and reminded that he remains under oath. He testified on the traffic counts he conducted and the numbers he relied upon in his report. He also testified that this would be a small unit development with single unit trucks, vans or pick-ups but he also looked at larger vehicles and said they would not be significant, as there would only be one or two a day. He further testified on the circulation for the site and said they flipped the driveway so it doesn't conflict with the neighbor across the street. Since this is a bifurcated application he will look at the landscaping and berming for the headlight glare when they get to site plan.

Mr. Beahm reminded them that at the last hearing they were asked to reduce the size of the front building to get it out of the residential zone. She said they talked at great length to reduce the number of spaces and the development and Mr. Alfieri said he will address that.

There was some discussion on traffic flow and peak hours and volumes. Mr. Miskovich said there will be an impact but the amount this project will add is not significant.

Mr. Cunliffe said he would like to see additional analysis for the level of service to the intersections in the area, Oak Glen and Lakewood Farmingdale Road and Oak Glen and Maxim Southard.

Ms. Beahm commented that she doesn't think these items can wait until site plan. The granting of the use variance requires no negative impacts and without these items they don't know the impacts. She said the use variance runs with the land and she agrees with the Board Engineer.

Mr. Alfieri said they will provide the information before the next meeting.

Mr. Moretti asked how they could project this information without knowing the tenants and wondered if the weight limit on the road could handle the traffic. Mr. Cunliffe said there is a trucking company next door so the road is rated for truck traffic. Mr. Miskovich responded that without knowing the users he can only guess but he was conservative in his numbers.

Mr. O'Donnell mentioned that he wants to make sure there are no trucks used for storage and nothing parked overnight and Mr. Alfieri said there would be no outdoor storage other than vehicles and no tractor trailer storage would be allowed.

When asked about the tenants, Mr. Alfieri said it is hard to say what they will be but he did say what it won't be. He said they can't get tenants without an approval and confirmed there will be no assembly, no retail, no manufacturing and no medical.

Christine Nazarro Cofone, PP, was duly sworn, gave her credentials and testified on the planning proofs required for the granting of a use variance. She said the property is split zoned with part of the property in the SED Zone and the remainder in the ARE-6 zone. It has a peculiar lot line with the front portion in the SED Zone and the back portion in the ARE Zone but the way the zone line cuts the property less than 1/2 of the property is in that ARE-6 zone. The problem with this application is the split zoning.

Ms. Cofone said they are not looking to introduce these conditions into this neighborhood, the use and the buildings are there today and what they are proposing is not even close to coverage requirements if the entire property was zoned SED. She said the site is particularly suited as the use is predominately permitted in the SED zone.

Ms. Beahm said that the zone line follows a prior lot line as these were two separate lots at one time and if they eliminate one of the buildings or 24,000 s.f. then it would be reduced by a third and you would have reduced traffic and a reduction in the number of trucks visiting the site.

Ms. Cofone did not agree with Ms. Beahm and said the 2017 Master Plan wanted to see underutilized properties balanced out. She also said they need to come back for site plan and would have to meet stormwater, landscaping, lighting and drainage requirements.

Mr. Alfieri asked if the Board would carry the application to the April 27, 2020 meeting with no further notice and granted the Board an extension of time to act on the application through May 1, 2020.

Chairman Nanson made an announcement for members of the public that this application would be carried to April 27, 2020 with no further notice.

The Board took a short recess at 8:45

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

Mark Steinberg address the board and said they need additional time to research the conservation easement at the southern border of their property as they may need to redesign the site plan.

Chairman Nanson made an announcement for members of the public that the application of JAT Associates LLP would be carried to the Board's March 23, 2020 meeting with no further notice and Mr. Steinberg granted the board an extension of time to act on the application through April 30, 2020.

VOUCHERS: Mr. Hughes made a motion that the two invoices submitted by Board Attorney Troppoli be processed for payment. The motion was seconded by Mr. Moretti and carried with all eligible members voting for the motion.

Mr. Cantor made a motion to adjourn the meeting. Motion was seconded by Mr. Moretti and carried. Meeting adjourned at 9:17 p.m.

Respectfully submitted,
Eileen Rubano, Recording Secretary

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