

Land Use Board Minutes

September

13, 2010 -

7:30pm

- 1) **Call to Order:** In accordance with the open Public Meeting Act, with regard to notices, the regularly scheduled meeting of the Land Use Board Meeting is hereby called to order.
- 2) **Statement of Certification: The Land Use Board Secretary Advises:** Adequate notice of the meeting has been provided to the public and press January 12, 2010 by delivering to the press and posting at the Municipal Building a copy of the "Annual Notice of Meetings" pursuant to the provisions of the "Open Public Meeting Act"
- 3) **Roll Call**

Members:

Present: Daniel Hall, John Haig, Rich Krasnomowitz, Mayor Marino, Kathy Phipps, Jeanette Tempe, Tom Watts, Pattie Brown, Wendy Brick, Robert Adams

Absent: Guy Harby

Professionals:

Present: Jeanne McManus (for Glenn Kienz), Ken Nelson, John Ruschke

Absent:

4) **Approval of Minutes: July 12, 2010**

Brown points out an error with the motion for the bills and vouchers. She is listed as making the second but was not in attendance.

The minutes will be carried to the next month. The secretary will make the correction and put on next months agenda.

Motion to carry minutes made by Adams Second by Mayor Marino

Roll Call: Eligible to Vote

| | |
|------------------|-------------|
| i) Hall | <i>Ayes</i> |
| ii) Krasnomowitz | <i>Ayes</i> |
| iii) Phipps | <i>Ayes</i> |
| iv) Tempe | <i>Ayes</i> |
| v) Watts | <i>Ayes</i> |
| vi) Brick | <i>Ayes</i> |
| vii) Adams | <i>Ayes</i> |

5) **Bills/Vouchers:**

- Hatch Mott MacDonald:
 - o Escrow 164 T-Mobile - \$470 (2 invoices)
- Weiner Lesniak
 - o Escrow 150 AJMG Group - \$255
 - o Escrow 164 T-Mobile - \$510
 - o Escrow 166 Patel - \$51
 - o General - \$68
 - o Escrow 162 Bluffs - \$221
 - o Escrow 163 Farida - \$459
 - o Escrow 164 T-Mobile - \$221
- The Nelson Consulting Group
 - o Escrow 164 T-Mobile - \$352
 - o Escrow 166 Patel - \$539
- McCabe & Associates, Inc.
 - o Escrow 164 T-Mobile - \$522.50
 - o Escrow 164 T-Mobile - \$873.05 NOTE: This account is short \$204.55. With this approval when the requested deposit is processed the remaining \$204.55 will be paid.

Motion to approve bills and vouchers by: Phipps

Second Watts

Rolls Call

Ayes: Daniel Hall, John Haig, Rich Krasnomowitz, Mayor Marion, Kathy Phipps, Jeanette Tempe, Tom Watts, Pattie Brown, Wendy Brick, Robert Adams

Absent: Guy Harby

6) Correspondence:

- The New Jersey Planner July – August 2010
- Letter from Zoning Officer re: Denied application for a masonry supply company/yard on block 7 lots 26/27
- Letter from Borough of Franklin re: Land Development Ordinance Amendment #9-2010
- Letter from The Nelson Consulting Group re: Highlands Meeting 8/4/10
- Copy of Ordinance #03-2010
- Email re: Highlands – email contains a link to the Highlands Land Preservation Report

Brown asks that the zoning officer give the street address when referring to a block and lot in all correspondence.

The secretary will pass on the request.

7) Resolutions: None

8) Old Business/New Business

- **Application LZ 10-004 Kirit Patel**
 - o Packet includes a copy of the application, submitted maps, and professionals' reports.

Attorney Cynthia Collins is representing the applicant. She gives an overview of the application and introduces the witnesses for the applicant. If the application is approved the applicant will convert property to one tax lot.

The application is zoned Highway Commercial and they are requesting one (1) variance for impervious coverage.

Attorney Collins asks that her client, Mr. Kirit Patel, and Mr. Karter Israni be sworn in. Attorney McManus swears both men in.

Attorney Collins and the board qualify Mr. Karter Israni as a N.J. licensed professional engineer

Chairman Adams points out that although the application is for 6 gas pumps there is a letter, regarding the approval of only one (1) EDU, which leads him to believe that the applicant agreed to reducing the number of gas pumps to four (4).

Applicant Mr. Patel states that he thought he was able to go before the Land Use Board with the six (6) gas pump application and if the board thought it necessary he would reduce it to four (4) pumps.

There is some discussion about the number of pumps the application is for.

Applicant Mr. Patel agrees to reduce the number of pumps from six (6) to four (4) gas pumps.
The meeting is turned over to the applicants engineer Mr. Israni.

Mr. Israni reviews the site plan page by page.

The site used to be three (3) houses which have been demolished and a gas station with a drive through food mart is being proposed. The applicants engineer goes on to review the highway commercial zone and what the application is proposing.

In his review Mr. Israni states that he will revise the drawing to show 4 pumps. Currently it is showing 6 pumps he will eliminate the two pumps in the middle.

He reviews the parking. Approval of the application will be subject to getting DOT approval for curb cuts. DOT said they will not grant approval without land use board approval.

Throughout the review there is discussion between the applicants engineer and the board.

Mayor Marino asks if the canopy size will change now that the application has been reduced to four (4) pumps.

Applicants engineer Mr. Israni states the canopy size will stay the same.

Krasnomowitz asks Mr. Israni if the canopy can be reduced and Mr. Israni states that it can be.

Haig asks what type of gas station this will be.

Applicant Mr. Patel states that this will be a privately owned gas station it will not be a franchise.

Board Planner Ken Nelson asks the applicants engineer if he prepared the architectural drawings

The applicants engineer states that he drew the drawings but had LLG Architect prepare, sign and seal the plan. The interior of the building is all conceptual.

Hall questions the roof height and the amount of space provided for HVAC equipment.

Discussion ends with Hall stating that it appears there is only a space of 2ft for all the HVAC system.

Discussion starts about Lot 6 which is actually Jennings Road and if this makes the application a corner lot.

Board engineer states that the applicant should justify why they are asking for an impervious coverage variance. Justification should also be given for the road in the back of the property, and the drive through. The conventional lighting for a property line when dealing with residence is .1 foot-candle and the application is proposing .25

Collins – Just received Mr. Nelsons report tonight which brings up many issues which she was not able to review with her client and she asks that this matter be carried to allow her to review Mr. Nelsons report and any preliminary review from Mr. Ruschke and incorporate them into the site plan. She would like to hear comments from the board and the public before they carry the application

Mayor states that his biggest concern is the back side of the property with the residence directly behind the proposed station. He is well aware that this proposed property is zoned highway commercial but wants to make sure the residents are taken into consideration.

Haig asks what the hours of operation are.

Applicant Mr. Patel states that the hours of operation are 5 am – 11pm.

Motion to Open to the Public Made by Mayor Marion Second by Tempe with all in favor

Attorney McManus swears in Cathleen Dehnel 8 Jennings Rd, Hamburg NJ.

Ms. Dehnel is directly behind the proposed gas station. This proposed application has the potential of ruining lifestyle and put a dent in her investment of her home which has been in the family for generations. She is concerned that the owner Patel will be an absentee landlord and concerned about the following

- Dumpsters are right up against her property. Does not want to the smell of garbage in her yard, does not want rats and is concerned about bears being more of a problem than they already are
- The proposed drive through makes her concerned that garbage being thrown out of car windows
- Wants to see hours in writing; does not want to see this ever turn into a 24 hour operation.
- Concerned about the runoff from the proposed pavement
- Worried about the noise from cars in and out of the proposed station being interruptive on early weekend mornings.
- Light poles are concern – one is outside her bedroom window
- Trees – will block light from the proposed gas station but will also block her view and the natural light into her house
- Getting out of Jennings road is already dangerous
- No left hand turn out of property but she does not think this will be followed

She thanks everyone for their concerns

Hall – when you pull out of Jennings road can you pull out make a left onto 23 now.

Ms. Dehnel is not sure if legally you can make a left hand turn or not. She does not think you allowed to make a left hand turn. She was also told that coming north and 23 you cannot make a left onto Jennings rd.

Attorney Collins asks Ms. Dehnel to point out her house on the map for everyone to see.

Attorney McManus swears in Gregory Gorman of 13 Jennings Rd, Hamburg

As far as Mr. Gorman knows you can make a left hand turn onto and off of Jennings rd. It is a Dangerous turn.

Years ago he applied for a building permit to put a swimming pool on his lot he was told that it is a corner lot because of Jennings rd which is referred to as lot 6. He owns Jennings (lot 6) the paved road is on his deed but because the town maintains it and has an easement for the sewer it is a public road. He has never questioned it.

Mr. Gorman took pictures and emailed the to the board secretary. The pictures show the runoff and the problems when it rains. The point he is trying to make is there is a very serious runoff from the top. Underneath the sewer is blue rock lime stone and his concern is that the retaining wells are not calculated to account for the runoff. Mr. Gorman is also concerned that if his tanks break there is nothing to stop it from running into the Wallkill River. He thinks the board should ask for an environmental study.

Attorney McManus swears in Mike Frayko 213Rt 23 North, Hamburg

Mr. Frayko is concerned about the traffic. On Sundays he has a very hard time going south on 23 out of his driveway. Even at 5 in the morning he has a very hard time getting out of his driveway. It is becoming more and more dangerous. He is across the street from the proposed gas station. The exit is so close to Jennings road that it is almost one entity; and there is already so much trouble getting in and out of Jennings Rd.

Attorney McManus swears in Dan Barr - 83 Mulberry St, Hamburg

Mr. Barr is here for support of the people who lives on Jennings rd. He is concerned of the smell from the gas and the late night drop offs. He is not in favor of this application going forward. He is in favor of the properties having residential houses being put back on the lots. Oder, noise and lighting will all be detrimental to the residence. What if the owner wants to come back and get more pumps?

Motion to Close to the Public made by Phipps

Second by Watts with all in favor

Hall asks if there are there any storm drains on the proposed plan.

Board engineer sates that there are not any storm drains currently on the plan, and the applicant will have to revise the plans.

Chairman Adams asks, if cars cannot make a left turn out of the property where will those cars go?

Attorney Collins states that it is something the applicant will have to look into and she will address the concern with her engineer and client. It may be something they can look at with a traffic report.

Attorney Collins would like the application to be carried to next month's meeting she will send the appropriate request and she has taken notes of all the comments and has the professionals' reports. If she needs an additional month she will make the request. She confirmed the application agreed to extend the Boards' time to act on the application.

Motion to carry meeting to the October 5 meeting made by Phipps

Second by Watts with all in favor

- Review Zoning Ordinance No. 04-2010

Please review the enclosed ordinance and the current Borough ordinance.

Krasnomowitz reviews the ordinance

Mayor does not think it is safe for people to hang signs across the road. Drivers may be distracted.

Board has no comments on the ordinance for the sign and the municipal parking lot.

Motion to recommend the sign ordinance 04-2010 to the Mayor and Council made by Watts Second by Tempe with all in favor

Motion to recommend the parking lot ordinance 03-2010 to the Mayor and Council made by Tempe Second by Haig with all in favor

9) Planners Report: None

10) Engineers

Ruschke recommend the board hire and RF engineer to review the T-Mobile application; the expense would come out of the applicants' escrow.

11) Public Portion:

No Public Portion

12) Chairman's Agenda:

- Review of municipal parking lots and the Borough Center Zone parking requirements – Prior to the meeting please:
 - o Look at the new municipal parking lots
 - o Look at the onsite parking for the properties closest to the municipal parking lots
 - o Review the parking requirements for the Borough

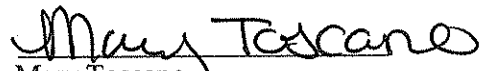
Krasnomowitz states that the council feels the new municipal parking lots should be open to public and not specifically designated to any business

Board discusses different parking lots within the Borough.

13) Adjourn:

Motion to adjourn made by Phipps Second by Adams with all in favor - 9:17

Respectfully submitted by:


Mary Toscano

Secretary, Land Use Board

Approved: 10/5/10