

**PEQUANNOCK TOWNSHIP**

**JUNE 4, 2018**

**PLANNING BOARD**

**REGULAR/WORKSHOP MEETING**

**MEETING CONVENED:**

**7:00 PM**

**MEMBERS PRESENT:**

Mauriello, Vanderhoff, Imfeld, Vitcavitch, Mulhall and Hardaker. Also present, Richard Brigliadoro, Board Attorney and Jill Hartmann, Board Planner.

**MEMBERS ABSENT:**

Winterfield

**MEMBERS EXCUSED:**

Cascone, Fitamant, Phelan and Driesse

**NOTICE:**

Vice Chairman Imfeld stated that the requirements of the Sunshine Law had been Complied with by posting the required notice on the Bulletin Board, posting same with the Township Clerk and sending it to the Suburban Trends and Daily Record on June 1, 2018.

**PERSONAL REPRESENTATION:**

Vice Chairman Imfeld asked if there was anyone present not listed on the agenda for this meeting who wished to be heard. No one came forward.

**MINUTES:**

**May 21, 2018 – Regular Meeting**

**MOTION** by Vanderhoff, second by Mauriello to approve the minutes as submitted. All in favor. Motion Carried.

**SIGN:**

**Uppal Fuel, LLC d/b/a Delta Gas Station, 447 Newark Pompton Turnpike, Block 2604, Lot 18**

David Dixon, Esquire, represented the applicant.

Mr. Dixon stated that the sign was knocked down from a recent storm. The applicant is looking to modernize his gas station and install a smaller sign than existing before. Mr. Dixon stated the applicant is looking to install an LED sign. The gas station is in a Residential Zone and the price LED sign is not allowed in the Residential zone. The applicant is seeking to allow 12 inch high lettering where 8 inch high is permitted. The applicant raised the height under the sign to 8 feet in order to ameliorate the variance requested of 4 feet. The proposed sign is smaller than the original sign. The proposed sign will be 17 feet tall. Mr. Brigliadoro stated the variances requested are for size of the lettering at 12 inches where 8 inches is allowed and the clearance at the bottom of the sign which is 8 feet and 10 feet is required.

**Thomas Boorady**, Engineer, for applicant sworn.

Mr. Boorady stated the sign will be 18 feet to the top or 204 inches. Mr. Boorady stated there is a brick one foot high retaining wall at the intersection and the sign will be completely within that area. Mr. Boorady stated that sight distance is measured by driver's eye height which is about three and a quarter feet so the 8 feet clearance is plenty for sight distance. Mr. Boorady stated the Newark Aqueduct runs right behind and in front of the sign so the sign location could not be moved. Mr. Boorady stated that because of the one foot retaining wall and the landscaping within no one will be walking under the sign. Mr. Boorady stated the original sign was 8 feet high by 6 feet wide and the proposed sign area will be 4 by 4.

Mr. Boorady stated that the sign at 341 Route 23 South will be similar to the proposed Delta Station sign. Mr. Boorady stated that because the sign is LED you can regulate the diodes to be dimmed. Mr. Boorady stated that the color of the sign will conform to the Town's regulations of red or green. Mr. Boorady stated that you need one inch of letter height for every 30 feet away from the sign to be able to see it. A 12 inch height letter will allow you to see the sign 360 feet

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away. Mr. Boorady stated that an 8 inch letter height will allow you to see it at 240 feet away. The sign will not have any flashing or moving print. Ms. Hartmann stated that the Sunoco Station has 8 inch letters on their sign and that the Board discussed at length the size of lettering for LED signs on the Newark Pompton Turnpike. Mr. Boorady stated the sign will have a background of white. Letters will be green.

Marked as **Exhibit A-1** - color rendering of the submitted sign.

Marked as **Exhibit A-2** - photo of pre-existing gas sign with price height of 10 inches

Mr. Vitcavich asked if the illumination of the sign changes with the size of the lettering. Mr. Boorady stated you will have less diodes with an 8 inch letter. Mr. Dixon stated that ambient light in the area of the sign will affect the illumination. Mr. Dixon stated the sign will only be on when the gas station is open which is 7 am to 8 pm Monday through Saturday and 7 am to 6 pm on Sunday. Mr. Vanderhoff spoke about the Board's decision to only allow 8 inch gas station signs on Newark Pompton Turnpike.

**Motion** to open the meeting to the public. All in favor. Motion Carried.

No one came forward from the public.

**Motion** to close the meeting to the public. All in favor. Motion Carried.

Summation by Mr. Dixon.

**Mr. Singh**, applicant, sworn.

The Board deliberated.

Mr. Dixon stated the sign will be 18 feet high because of the pedestal where the landscaping is provided. Ms. Hartmann stated that since the sign will be 18 feet high then the application is really for a 9 foot height clearance under the sign.

**MOTION** by Vanderhoff, second by Mulhall to grant the sign variance with an 8 inch letter height with the bottom of the sign at 9 feet clearance to the ground. Yes votes from Imfeld, Vanderhoff, Vitcavich, Mulhall and Hardaker. No vote from Mauriello. Motion Carried.

**Zuta/Albanian Social Club, 455 Route 23, Block 2008, Lot 12**  
**Site Plan**

**Peter McArthur**, Esquire, represented the applicant.

The space for the social club will be 992 square feet in the Commercial 2 Zone. The building

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will not be expanded and there will be no internal modifications. All the activities will take place inside with no outdoor seating. There are 70 parking spaces on the site.

**Mr. Zuta**, applicant, sworn.

Mr. Zuta stated the hours of operation for the club will be 8 am until 1 pm. Mr. Zuta stated that from 8 am until 6 pm there will be between 10 and 20 people present at the social club and from 6 pm until 1 pm there will be 20 to 36 people present at the social club. The weekends will have between 25 and 30 people at the social club. There will be 36 seats.

Marked as **Exhibit A-1** - floor plan of interior layout of the social club.

Ms. Hartmann stated there are only 8 seats shown on Exhibit A-1 and asked for a new floor plan showing the 36 seats. Mr. Zuta stated the maximum number of members the club will hold is 36.

There are 11 in total stores within the mall. State Farm is open 9 am to 5 pm two nights, 9 am to 7 pm two nights and on Friday they close at 1 pm; the cleaners is open 8 am to 6 pm; circus circus is open 10 am to 3 pm; Deals All Year is open 10 am to 8 pm; Casey's Bagels is open 5 am to 3 pm and Universal Sport is open 10 am to 6 pm.

Mr. Zuta stated the members will play chess, cards and will watch the news. They will provide coffee, juice and water. There will be no kitchen. No food or alcohol will be served; members usually bring their own alcohol. Mr. Zuta stated there will always be someone at the club to supervise. There will be no loud music.

Marked as **Exhibit A-2** - google earth top view of the building and parking lot taken October 2017.

The google view shows that there were 25 cars parked in the lot in October of 2017. Mr. McArthur stated he calculated the parking for the club at one parking space for 3 seats and since there are 36 members they would require 12 parking spaces. There will be three supervisors for the club which would be Mr. Zuta, his father and his cousin, all of which are members. The club will be open seven days a week. Mr. Mauriello asked if the members were allowed to have guests. Mr. Zuta said only family and friends. No guests. Mr. Zuta stated that mostly in the morning the older gentlemen come to watch the news and play chess. 36 is the maximum occupancy and they all must be members. Trash will be put in the dumpster. Mr. Zuta stated that the social club originated in Paterson but it was too dangerous. There will be no children allowed in the club. There will be no parking allowed in the rear of the building.

**Motion** to open the meeting to the public. All in favor. Motion Carried.

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**Todd Bauer**, 465 Route 23, sworn.

Mr. Bauer was concerned about the number of members allowed and whether they will bring in friends and exceed the 36 maximum occupancy. Ms. Hartmann stated that if the club exceeds the 36 members testified to she, as the zoning officer, will enforce that rule.

**Motion** to close the meeting to the public. All in favor. Motion Carried.

The Board deliberated.

**MOTION** by Vanderhoff, second by Hardaker to grant the conditional use of the social club at a total of 36 members with the following conditions of an updated floor plan and to comply with the Building Department regulations. Yes votes from Imfeld, Mauriello, Vanderhoff, Vitcavich, Mulhall and Hardaker. Motion Carried.

**Hardie, 96 Mountain Avenue, Block 601, Lots 16 and 17**  
Subdivision

**Andrew Brewer**, Esquire represented the applicant.

Mr. Brewer stated that Mr. Simon owns 96 and 98 Mountain Avenue and that they are looking to subdivide those two lots into three lots. 96 Mountain Avenue will be subdivided into two lots, one being a flag lot. 98 will have a lot line adjustment to allow for a driveway. At this time the township is in the process of widening Mountain Avenue and will take some of the property from Lot 16, which will cause that lot to be undersized. Lot 17 is the Simons residence and that lot is almost 60,000 square feet. Lot 16.01 which fronts on Mountain Avenue will be 19,250 square feet and Lot 16.02 which will be the flag lot will be 43,225 square feet when the Simons dedicate their property to the Township, therefore forcing the lot area variances. There is also a variance for driveway width of 31.4 feet where 50 feet is required. Mr. Brewer stated that the building envelope for the proposed flag lot is 50 feet on all sides. The applicant is requesting a side yard setback at 35 feet on the westerly side of the lot to allow the proposed home to face towards Mountain Avenue. Lot 17 will now be Lot 17.01, at this time they have the appropriate driveway width at 50 feet but will give some of that driveway to the flag lot and both driveways will have a width of 31.4 feet. The pool equipment on Lot 17.01 will be moved along with the fence.

**Simon Hardie**, applicant, sworn.

Mr. Vitcavich asked if there would be a separation between each of the driveways. Mr. Brewer stated there will be demarcation on the driveways to show two separate addresses for possible emergency vehicle use. Mr. Hardie stated that the Board's suggestion was to place pavers between the two driveways. Ms. Hartmann stated the town requires a paved driveway with gravel on each side to mark the two separate driveways and to allow for emergency vehicle use.

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Mr. Hardie stated there are two poles that supply electric to his current residence and that he intends to use the lead line to supply the proposed lot with electricity. Mr. Brewer stated that there will need to be an easement allowing access of the electric pole. As a condition of approval Mr. Hardie has to show where the gas, water and sewer enters Lot 17.01. Curb cuts for all the lots must be placed on the plan. Mr. Vitcavich asked why the electric will not be placed underground. Mr. Hardie stated that gas and water will not have to be moved on his home, which is Lot 17.01.

**Frederick Meola**, Engineer, for the applicant, sworn.

Mr. Meola stated the lot line will be adjusted between Lot 17 and 16. Mr. Meola suggested that the driveways between Lots 17 and 16 be placed five feet off the property line which will leave a ten foot area for landscaping. Mr. Meola also suggested that both houses be serviced by underground electric. Mr. Meola stated that if the sewer line was on Lot 16 that that should be used for Lot 16 and put in a new line for Lot 17. Mr. Meola stated that both Lot 17.01 and 16.02 should be required to have a turnaround in their driveways.

**Ken Ochab**, Planner for the applicant, sworn.

Marked as **Exhibit A-1** - 4 Photographs of 96 and 98 Mountain Avenue  
Marked as **Exhibit A-2** - Photographs of the Interior of the Site

Mr. Ochab stated flag lots are allowed within the Residential 22 Zone. Mr. Ochab stated that the lot size variances are caused by the widening of Mountain Avenue. Mr. Ochab discussed all the variances required for 96 and 98 Mountain Avenue. The front yard setback for Lot 16.01 will now be 24 feet 7 inches because of the dedication to the Township.

Mr. Ochab stated that there are five other flag lots all about the same size as the proposed flag lot in the area. Mr. Ochab stated that of those flag lots two of them have less than 50 foot stubs. Mr. Ochab stated that all the variances can be justified under the C-2 criteria.

**Motion** to open the meeting to the public. All in favor. Motion Carried.

**Bob Deleeuw**, 21 Foothills Drive, sworn.

Mr. Deleeuw's back yard abuts Lot 17.01. Mr. Deleeuw was concerned about a seven foot side yard variance. Mr. Brewer stated that is on 16.01 and it is their existing detached garage and that no variance is required for that. Detached garages can be 5 feet off the property line. Mr. Deleeuw was concerned about his property value.

**Daniel Shumeyko**, 90 Mountain Avenue, sworn.

Mr. Shumeyko stated that his property abuts Lot 16.01. Mr. Shumeyko was concerned about

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possible rezoning of his property as flood plain and was wondering how another home would affect his property being in the flood plain. Ms. Hartmann stated that any development must meet a zero increase in run off. Ms. Hartmann stated that when the applicant proposes a house they will have to follow all DEP requirements regarding drainage. Mr. Meola stated the house will have to be designed with dry wells to contain water.

**Steven Mangeri**, 17 Foothills Drive, sworn.

Mr. Mangeri stated that his back property line is adjacent to the new flag lot. Mr. Mangeri was also concerned about the 7 foot setback for the detached garage. Mr. Mangeri stated the rear of his property and the new flag lot area is very wet to the point that you cannot use it. Mr. Mangeri is also concerned about some very large and old pines of which some are dead and was wondering if there would be a pool allowed in the rear and how close to the property line can a pool be placed. Mr. Mangeri was very concerned about the dead pines on the proposed flag lot. Mr. Hardie will walk the property with his neighbor to look at the trees.

The Board deliberated.

**MOTION** by Vitcavich, second by Vanderhoff to grant the subdivision variances front yard for lot 16.01 of 49.7 feet, lot area of 19,250 square feet; Lot 16.02 driveway access of 31.6 feet, lot area of 43,675, west side of lot side yard variance of 35 feet; Lot 17.01 driveway access of 31.4 feet, east side yard of 15 feet, lot area of 54, with the following conditions: must comply with Mr. Golden's review; relocate fence on to 17.01, relocate driveway on to Lot 17.01, separation of driveways with gravel sides, utilities for lots 17.01 and 16.02 must have underground utilities, revise plans to show curb cuts and pool equipment to be moved. Yes votes from Imfeld, Vanderhoff, Hardaker, Mauriello, Vitcavich, Mulhall. Motion Carried.

**ADMINISTRATIVE:**

There was a vote for the new ordinance allowing storage containers on properties raising homes in the flood area for a maximum of 8 months. All in favor. Motion Carried.

There being no further business motion by Vanderhoff, second by Hardaker to adjourn the meeting at 9:53 PM. All in favor. Motion Carried.

Respectfully submitted by,

  
Linda Zacharenko  
Recording Secretary