

B. MINUTES OF JANUARY 18, 2017

A motion to approve was made by Mr. Straffin, seconded by Mr. Rabolli. All eligible members voted in favor.

C. MINUTES OF FEBRUARY 1, 2017

A motion to approve was made by Mr. Straffin, seconded by Mr. Rabolli. All eligible members voted in favor.

III. MEMORIALIZING RESOLUTIONS:

None to present.

IV. OPEN TO THE PUBLIC:

Mr. Rabolli opened the meeting to the Public for general questions or statements. None were received.

V. PUBLIC HEARINGS:

- 1. DKT.#1383-14A – NEW CONCEPTS FOR LIVING, INC.
16 MOUNTAIN AVENUE, BLOCK 47, LOT 18**
- 2. DKT.#1417-17 – NEW CONCEPTS FOR LIVING, INC.
105 CHURCH STREET, BLOCK 56, LOT 3**

Applications submitted for each property, same Applicant, for lot coverage variance to construct a sidewalk addition to the side of the existing residence.

Mr. William T. Smith, Esq., of Smith, Crotty, Meyer & Bruins, approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order for both applications. Testimony was given for both properties due to the same relief being requested. Mr. Smith presented an overview of the applications and indicated the properties would exceed the permitted impervious coverage percentage by installing a now State-mandated sidewalk. Sidewalks for access to the rear of the property were not required when the homes, which are used for developmentally disabled individuals, were constructed.

Mr. Smith called Mr. Steve Setteducati of 68A West Passaic Street, Rochelle Park. Mr. Setteducati is the Chief Executive Officer for New Concepts for Living, Inc. Mr. Setteducati described the New Concepts organization as providing group homes for developmentally disabled adults. United Way is the developer. Each home has 24 hour / 7 day-a-week supervision.

Mr. Leon Morgan, of 103 Church Street, approached questioning the number of residents in the home at 105 Church Street and how many are permitted. Mr. Setteducati replied up to four occupants are permitted at each home. There was short discussion on one home being for the handicapped and the other home for those that are more mobile. Mr. Setteducati indicated the degree of disability cannot be separated. Upon Mr. Morgan questioning snow removal, it was suggested this question be discussed when the Applicant's engineer testifies.

Mr. Mark Morgan, of 106 Church Street, approached questioning drainage, why the property was built up above grade and why sidewalks were not installed when the home was constructed. Slopes and drainage will be asked of the engineer. Mr. Setteducati stated the sidewalk was not a requirement when the home was constructed. Mr. Morgan stated he believes the homes are too big for the property. He mentioned the driveway at 105 Church Street only fits two vehicles and questioned the number of employees. Mr. Setteducati replied each home has 2-3 employees servicing the residence on a daily basis. Mr. Morgan continued noting he has counted anywhere from 3 to 12 vehicles at a time at the home. There is a church and a firehouse in the area. Questions led to a discussion on the number of vans utilized at the residence, the size of the home, the size of the driveway, the number of vehicles, group meetings, the elevation of the home, fencing, and parking in front of other homes in the area.

Ms. Ann Morgan, of 106 Church Street, approached noting her concerns during construction. When the home was constructed, there was property damage in the area, garbage was strewn about, and a dumpster as well as a port-a-john was left at the site after construction was complete. Mr. Rabolli addressed Ms. Morgan to ask questions of the witness at this time. Ms. Morgan questioned the sidewalk installation and the potential for a patio installation as well. Mr. Setteducati noted again, that at the time of construction, sidewalks were not required. Emergency access to the rear of the property was subsequently required by the State. The Applicant originally did not want to install concrete sidewalks and after researching other options, a product called Terratain was installed to provide a hard surface. However, Terratain did not meet the requirements and was not approved by the State.

Ms. Morgan continued questioning sidewalks at other group homes. Several statements about the home, past construction and concerns were made, to which Mr. Rabolli asked Ms. Morgan to ask questions and make statements at the appropriate time of the hearing.

There were no further questions from the Board or the Public for Mr. Setteducati

Mr. Smith called Mr. Joseph Vince of Schwanewde / Hals Engineering in Oakland, NJ. Mr. Vince was sworn in by Mr. Rabolli. After presenting his credentials, Mr. Vince was accepted as an expert Professional Engineer. Mr. Vince described the properties noting both are fully conforming to the Township Code. State regulations changed after construction of both homes. Knowing the installation of concrete sidewalks would increase the impervious coverage over the permitted percentage which would require a variance condition, the Applicant attempted to install Terratain to create a hard surface for access to the rear of the property. A field inspection was performed by a State

Inspector and the Terratain surface was not acceptable. Concrete sidewalks were required. Mr. Vince continued mentioning drainage calculations were prepared and there would be no additional runoff from the site. He gave the lengths of the proposed sidewalks. The impervious coverage for 105 Church Street would increase to 44.1%, where 40% is permitted. The impervious coverage for 16 Mountain Ave would increase to 46.3%, where 40% is permitted. A C1 Variance is being requested for each property. Mr. Vince stated group homes are inherently beneficial and he does not see a detriment to the public good. In his opinion, there are no other options to satisfy the State requirements.

Mr. Mark Morgan, of 106 Church Street, approached questioning a seepage drain. Mr. Vince noted there is an existing seepage drain to the rear, right side, of the property and any runoff from the sidewalk will be directed to this seepage pit with a swale.

Mr. Leon Morgan, of 103 Church Street, approached questioning grading. After viewing a photo presented, the location of a trash barrel on his property was discussed as well as the sharp incline between the two properties. Snow removal was also mentioned. Mr. Vince stated the site operator would need to dispose of any snow.

Ms. Ann Morgan, of 106 Church Street, approached questioning the elevation of the property and why the home was built up from the existing grade. The depth, dimensions and sidewalk location were questioned. Mr. Vince indicated the sidewalk would be 4" of concrete, going from the driveway to the back of the home and would be installed right up against the home. It would be pitched towards the rear. Ms. Morgan also questioned snow removal and if there are drainage issues after the sidewalk is installed, who are the neighbors to contact. Ms. Morgan presented several photographs taken by Mr. Mark Morgan, which were marked as Exhibits O1 – O7.

There were no further questions from the Board or the Public for Mr. Vince.

Mr. Smith called Mr. Jeff Lewis, 6 Forest Avenue, in Paramus. Mr. Lewis was sworn in by Mr. Rabolli. He is the Director of Development for Bergen County United Way. Mr. Lewis gave the background of the project for both locations. Reiterating what was previously testified, sidewalks were not required at the time of construction. Per the State, a second means of egress is necessary. Several attempts were made to create a satisfactory hard surface, including installing the Terratain product. They concluded the only option was to submit an application requesting a variance in order to utilize the home to its intent as a group home.

There were no further questions from the Board or the Public for Mr. Lewis.

It was determined a closing statement was not necessary. Mr. Rabolli concluded the Public portion of the hearing and called a recess at 8:49 pm.

The meeting reconvened at 8:57 pm.

**3. DKT.#1411-16 – QUICKCHEK CORPORATION
280-290 STATE HIGHWAY 17 SOUTH, BLOCK 136, LOTS 5.01 & 5.02**

Application requesting Preliminary and Final Site Plan approval as well as conditional use, bulk and sign variance relief.

Mr. Fredric F. Azrak, Esq., of Azrak & Associates, LLC approached on behalf of the Applicant. Mr. Rabolli addressed Mr. Azrak stating absent Board Members would be sent the CD recording of the hearing to listen to in order to be eligible to vote. At this time, Mr. DeSilva recused himself. Mr. Cascio indicated all notices were in order.

Mr. Azrak gave an overview of the application. The proposed service station is a conditional use and the proposed food store is a permitted use. Before testimony began, the following exhibits were marked for the record:

Exhibit A-1	Highlands Consistency Letter dated December 22, 2016
Exhibit A-2	Bergen County Planning Board Letter dated June 29, 2016
Exhibit A-3	Bergen County Soil and Conservation District Letter dated July 19, 2016
Exhibit A-4	Township Historic Commission Review Report dated March 6, 2017
Exhibit A-5	Township Environmental Commission Review Report dated February 22, 2017
Exhibit A-6	Township Construction Code Official Review Report dated February 27, 2017
Exhibit A-7	Township Department of Public Works Review Report dated February 23, 2017
Exhibit A-8	Township Chief of Police Review Report dated March 5, 2017
Exhibit A-9	Township Fire Prevention Review Report dated February 22, 2017
Exhibit A-10	Township Board of Health Review Report dated February 28, 2017

Mr. Azrak mentioned the Environmental Commission had three comments, to which the Applicant will comply and provide additional detail in the maintenance plan. The Historic Commission requested to take pictures of the property. Upon questioning by Mr. Dator, Mr. Azrak noted the Historic Commission can take pictures inside and outside of the barn for historic purposes.

Mr. Azrak described the application in further detail. The Applicant is requesting preliminary and final site plan approval with variances and waivers as requested in their application. The Applicant meets all but one of the six requirements in Section A for the conditional use for a service station. They do not meet the 500-foot proximity requirement. Continuing with the conditional use for a service station, the Applicant meets all seven requirements as listed in Section B. Mr. Azrak described the geographic area and stated relief is being sought for the proximity requirement. Parking, loading requirements, impervious surfaces, trees, lighting, the trash enclosure and signage were

mentioned. All will have more detailed testimony given by expert witnesses. It was acknowledged that Robbie's Music has been in the Township for a long time, but unfortunately, there are super music stores that have gained popularity. Mr. Azrak stated QuickChek is a great neighbor and testimony will be given to support this statement.

Mr. Azrak called Mr. Robert Vallario of 3 Old Highway 28, Whitehouse Station, NJ. Mr. Vallario was sworn in by Mr. Rabolli. Mr. Vallario is a Real Estate Manager and has been with QuickChek since 2001. He presented a history of the company starting back in 1888. In 1967, QuickChek's first store was opened in Dunellen, NJ. Today, 148 stores are in existence in northern and central New Jersey, the Hudson Valley and Long Island, of which, 62 sell fuel. In 2000, QuickChek's first gas store opened in West Amwell.

Mr. Vallario described the daily operations of the facility mentioning hours of operation, number of employees, tractor trailer and box truck deliveries, trash pickups and gas deliveries. He noted QuickChek is not a truck stop and overnight parking of any vehicles is prohibited. All stores are company owned and operated, not franchised. The company believes in 'giving back' and supports children organizations, Veterans, local food banks as well as local school PTOs/PTAs and children's recreation programs.

Mr. Kearney questioned operations as it relates to vendor or supplier standards. Mr. Vallario replied operation standards are in place and a template is installed in every manager's office for delivery, routes of delivery, times of delivery, and the like. Expectations are set for employees and vendors. This template is consistent throughout QuickChek facilities.

Mr. Kelly questioned truck deliveries, fuel delivery, store seating, outdoor storage, outdoor sales, low flow fuel dispensing, parking and electric charging. When questioned about fuel delivery and the volume of sales, Mr. Vallario was not able to reply with firm information. He stated an average can be given but the fuel delivery and sales would be based on demand. It was noted that electric charging is being tested at their Ulster, New York facility. This capability will continue to be looked at.

Ms. Banyra questioned if the site is unique in any way and is anything proposed at this site that is different from other existing sites. Solar panels were briefly mentioned. Mr. Vallario stated QuickChek continues to be innovative and is always looking to make their facilities more efficient and effective. Upon questioning by Ms. Banyra, Mr. Vallario indicated the proposed facility's structure is their standard sized building however, the parking proposed will be more than their current standard.

At this time, there were no further questions from the Board or the Public for Mr. Vallario.

After a brief discussion on scheduling, Mr. Rabolli announced the QuickChek application is carried to the April 19, 2017 meeting. No further notice is required.

VI. WORK SESSION:

1. **DKT.#1383-14A – NEW CONCEPTS FOR LIVING, INC.
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Mr. Rabolli summarized both applications. Mr. Kelly suggested that the property lines be staked out as a condition of approval.

A motion to approve both applications, with conditions, was made by Mr. DeSilva, seconded by Mr. Straffin. A roll call vote revealed 5 aye votes by Mr. Dator, Mr. DeSilva, Mr. Kearney, Mr. Rabolli and Mr. Straffin.

3. DISCUSSION ITEM

Board of Adjustment Annual Report:

A motion to approve was made by Mr. DeSilva, seconded by Mr. Kearney. A roll call vote revealed 5 aye votes by Mr. Dator, Mr. DeSilva, Mr. Kearney, Mr. Rabolli and Mr. Straffin.

VII. ADJOURNMENT:

The meeting adjourned at 9:57 pm on a motion by Mr. Dator, seconded by Mr. Straffin.

These minutes were prepared by Geri Entrup, Zoning Board Recording Secretary.