

Roxbury Township Board of Adjustment  
January 13, 2020

NOTICE is hereby given by the Board of Adjustment of the Township of Roxbury that a Reorganizational and Regular meeting of the Board of Adjustment will be held on Monday, January 13, 2020 at **7:00 p.m.** in the Municipal Building at 1715 Route 46, Ledgewood, NJ & the following action may or may not be taken:

BOARD MEMBERS PRESENT:

Ms. Houtz, Dr. Kennedy, Mr. Klein, Mr. D'Amato, Ms. Dargel, Ms. Robortaccio, Mr. Furey, Mr. Overman.

PROFESSIONAL STAFF:

Mr. Mark Denisiuk, P.E., Ferriero Engineering  
Mr. Russell Stern, P.P.  
Mr. Larry Wiener, Esq.

**2020 REORGANIZATION:**

Reappointments:

Dr. James Kennedy	-	Zoning Board Member	01/01/2020-12/31/2023
<i>(Dr. Kennedy was sworn in by Amy Rhead, RMC, Township Clerk prior to meeting)</i>			
*Mr. Brian Overman	-	Zoning Board Member	01/01/2020-12/31/2023
*Ms. Christine Houtz	-	Zoning Board Alt. #1	Unexpired-12/31/2020

*\*(Were sworn in by Mr. Wiener, Board Attorney)*

*\*Ms. Osetec asked for nominations for Zoning Board Chairperson;*

Mr. Overman nominated *Ms. Dargel* as *Chairperson* for the Zoning Board, Ms. Robortaccio seconded.  
***\*No other nominations were made. Ms. Dargel accepted the nomination of Chairman of the Zoning Board***

*Roll call:* Mr. Overman, yes; Ms. Robortaccio, yes; Ms. Houtz, Dr. Kennedy, yes; Mr. Klein, yes; Mr. D'Amato, yes; Mr. Furey, yes; Ms. Dargel, yes;

*\*Ms. Osetec motioned to turn the meeting over to the Chairperson Dargel to request nominations for Zoning Board Vice Chairperson;*

Ms. Robortaccio nominated *Dr. Kennedy* as Vice Chairperson for the Zoning Board, Mr. Overman seconded. ***\*No other nominations were made. Dr. Kennedy accepted the nomination of Vice Chairperson of the Zoning Board***

*Roll call:* Ms. Robortaccio, yes; Mr. Overman, yes; Ms. Houtz, yes; Dr. Kennedy, yes; Mr. Klein, yes; Mr. D'Amato, yes; Ms. Dargel, yes; Mr. Furey, yes;

**2020 - REORGANIZATION RESOLUTIONS:**

Resolution appointing Board Secretary  
Resolution appointing Board Attorney  
Resolution appointing Board Engineer  
Resolution appointing Traffic Consultant  
Resolution appointing Municipal Consultants  
Resolution designating place for posting notices and designating newspapers  
Resolution setting the fees required for mailing notice of meeting  
Resolution regarding conflict of interest

*Resolution appointing Secretary:*

**RESOLUTION AUTHORIZING THE APPOINTMENT OF  
TRACY OSETEC AS SECRETARY  
TO THE ZONING BOARD OF ADJUSTMENT**

**WHEREAS**, there exists a need for the appointment of a Secretary by the Zoning Board of Adjustment of the Township of Roxbury, and

**WHEREAS**, Section 40:55D-1b, Article 9 of the Municipal Land Use Law states that the Zoning Board may employ, or contract for and fix the compensation of experts, and other staff and services as it may deem necessary; and

**WHEREAS**, the Board wishes to retain Tracy Osetec as a Secretary to the Zoning Board of Adjustment,

**NOW, THEREFORE, BE IT RESOLVED** Tracy Osetec is appointed Secretary to the Zoning Board of Adjustment of the Township of Roxbury and this Resolution shall take effect immediately

**Adopted:** January 13, 2020

*Resolution appointing Attorney:*

**RESOLUTION OF THE ZONING BOARD  
OF THE TOWNSHIP OF ROXBURY,  
AUTHORIZING THE AWARD OF A CONTRACT  
FOR PROFESSIONAL SERVICES TO  
LARRY I. WIENER, ESQ.**

**WHEREAS**, the Zoning Board of the Township of Roxbury has a need to retain the services of a Zoning Board Attorney to provide legal counsel to the Board for calendar year 2020 (the Legal Services); and,

**WHEREAS**, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensations of its legal counsel, subject to the appropriation of funds by the governing body; and,

**WHEREAS**, the Board has determined to award this contract as a professional service without obtaining competitive bids pursuant to N.J.S.A. 19:44A-2.05; and,

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-*et. seq.*) requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and,

**WHEREAS**, Larry I. Wiener, Esq., has submitted a proposal indicating that he will provide the Legal Services at \$145.00 per hour for attorney time, \$80.00 per hour for paralegal time, and \$40.00 per hour for secretarial time; and,

**WHEREAS**, the Chief Financial Officer of the Township of Roxbury has certified that the funds are available for this contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of the Township of Roxbury, that Larry I. Wiener, Esq. is appointed as Zoning Board Attorney for calendar year 2020 and the Zoning Board Chairman is authorized to enter into a contract with Larry I. Wiener, Esq. to perform the Legal Services in accordance with the terms and conditions set forth herein; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the Township's official newspaper as required by law, and this resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Zoning Board of the Township of Roxbury memorializing the action taken at its reorganization meeting of January 13, 2020.

**Adopted:** January 13, 2020

*Resolution appointing Board Engineer:*

**RESOLUTION OF THE ZONING BOARD  
OF THE TOWNSHIP OF ROXBURY  
AUTHORIZING THE AWARD OF A  
CONTRACT FOR PROFESSIONAL SERVICES TO  
PAUL FERRIERO, P.E. & P.P. OF  
FERRIERO ENGINEERING, INC.**

**WHEREAS**, the Zoning Board of the Township of Roxbury (the "Board") has a need to retain the services of a Zoning Board Engineer to provide engineering services to the Board for calendar year 2020 (the "Engineering Services"); and

**WHEREAS**, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensation of its engineering services, subject to the appropriation of funds by the governing body; and

**WHEREAS**, the Board has determined to award this contract as a professional service without obtaining competitive bids pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, requires that the resolution authorizing the award of contracts for professional services without competitive bids and the contract itself must be available for public inspection; and

**WHEREAS**, Paul Ferriero, PE & PP of Ferriero Engineering, Inc., has submitted a proposal indicating that he will provide the Engineering Services according to the attached contract; and

**WHEREAS**, the Chief Financial Officer of the Township of Roxbury has certified that the funds are available for this contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of the Township of Roxbury, that Paul Ferriero, PE and PP is appointed as Zoning Board Engineer for calendar year 2020, and the Zoning Board Chairman is authorized to enter into a contract with Paul Ferriero of Ferriero Engineering, Inc. to perform the Engineering Services in accordance with the terms and conditions set forth in the attached service contract; and

**BE IT FURTHER RESOLVED**, that notice of this action shall be published once in the Township's official newspaper as required by law, and this Resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Zoning Board of the Township of Roxbury memorializing the action taken by the Board at its Reorganization Meeting of January 13, 2020.

**Adopted:** January 13, 2020

*Resolution appointing Traffic Engineer:*

**RESOLUTION AUTHORIZING THE APPOINTMENT OF  
LEE KLEIN  
AS CONSULTING TRAFFIC ENGINEER  
TO ROXBURY ZONING BOARD**

**WHEREAS**, there exists a need for the appointment of a consulting traffic engineer by the Zoning Board of the Township of Roxbury to advise the Zoning Board regarding traffic impact associated with development applications, and

**WHEREAS**, the funds for this purpose will be paid out of Applicant's escrow account, and

**WHEREAS**, Section 40:55D-24 of the Municipal Land Use Law states that the Zoning Board may employ, or contract for and fix the compensation of experts, and other staff and services as it may deem necessary; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40:A-11 etc. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection; and

**WHEREAS**, the Board wishes to retain Lee Klein as a Consulting Traffic Engineer to advise the Zoning Board regarding traffic impacts associated with development applications on an as-needed basis.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of the Township of Roxbury as follows:

1. Lee Klein is retained to serve as a Consulting Traffic Engineer to the Board regarding traffic impacts associated with development applications, at an hourly rate of \$160, plus out of pocket expenses.
2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the local Public Contracts Law because traffic engineering services are rendered by persons authorized by law to practice a recognized profession.
3. A copy of this resolution shall be published in the official newspaper as designated by the Township Council as required by law.
4. This resolution shall take effect immediately.

The undersigned does hereby certify the foregoing is a true copy of the Resolution of the Roxbury Township Zoning Board memorializing the action taken by the Board at its meeting of 01/13/2020.

**Adopted:** January 13, 2020

*Resolution appointing municipal professionals:*

**RESOLUTION OF THE TOWNSHIP OF ROXBURY,  
COUNTY OF MORRIS, STATE OF NEW JERSEY,  
UTILIZING MUNICIPAL PROFESSIONALS FOR THE REVIEW OF DEVELOPMENT  
APPLICATIONS**

**WHEREAS**, the Zoning Board of the Township of Roxbury has a need to utilize the services of professionals employed by Roxbury Township for the review of development applications pursuant to the provisions of N.J.S.A. 40:55D-53.2; and

**WHEREAS**, the following Roxbury Township professionals will be billed by the municipality to the applicant at the following rates in accordance with N.J.S.A. 40:55D-53.2:

Michael Kobylarz, PE, CME, - \$160.17 per hour

Planner Russell Stern, AICP, PP, LLA - \$131.85 per hour

Melanie Michetti, PE, - \$97.02 per hour

Peter Turnbull, Senior Engineering Aide, - \$60.57

**NOW, THEREFORE, BE IT RESOLVED**, by the Zoning Board of the Township of Roxbury, in the County of Morris and State of New Jersey, that the above Township professionals are hereby authorized to review development applications and bill in accordance with N.J.S.A. 40:55D-53.2:

**BE IT FURTHER RESOLVED**, a notice of this action shall be printed once in the legal newspaper of the Township of Roxbury as required by law.

This resolution shall take effect immediately.

**Adopted:** January 13, 2020

*Resolution designating newspapers:*

**RESOLUTION  
FOR NOTICES &  
DESIGNATING NEWSPAPERS**

**WHEREAS**, the Zoning Board of Adjustment of the Township of Roxbury, Morris County, New Jersey, is required to select a public place for the posting of notices all regular and special meetings; and

**WHEREAS**, said Board must provide notice of all regular and special meetings to three (3) newspapers, one of which must be the official municipal newspaper.

**NOW, THEREFORE BE IT RESOLVED**, that the public place for the posting of notices of all regular and special meetings of said Board be the bulletin board for the calendar year 2020, located within the Municipal Building of the municipality located at 1715 Route 46, Ledgewood, New Jersey, and

**BE IT FURTHER RESOLVED**, that all notices of the meeting of this Board be furnished to the following three newspapers as designated by the Township Council.

**Daily Record  
Star Ledger  
Roxbury Register**

**Adopted:** January 13, 2020

*Resolution setting the fees required for mailing notice of meeting to those requesting same.*

**RESOLUTION FIXING “FEES” FOR NOTICE OF MEETING**

**WHEREAS**, N.J.S. 10:4-6 et. Seq. Known as the “Open Public Meetings Act”, provides for the fixing of a reasonable charge to be paid by any person requesting notification of meetings of the Board of Adjustment.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Adjustment of the Township of Roxbury that the sum of \$2.50 is hereby fixed as a fee to be paid by anyone requesting that notices of meetings of the Board of Adjustment of the Township of Roxbury for the 2020 calendar year to be mailed to such person; but, as provided in N.J.S. 40:4-19, no charge shall be made to any newspaper requesting the mail of such notices to its business office.

**Adopted:** January 13, 2020

*Resolution regarding Conflict of Interest:*

**RESOLUTION  
CONFLICT OF INTEREST 2020**

**WHEREAS**, the members of the Zoning Board of the Township of Roxbury desire to provide the best possible service to the Township of Roxbury; and

**WHEREAS**, members of the Zoning Board are expected to conduct themselves with respect to matters before the Board in such a manner as to avoid all possibility of a conflict between their private interests and their public duty.

**NOW, THEREFORE, BE IT RESOLVED**, by the present and new members of the Zoning Board of the Township of Roxbury that they will act in a manner to provide the best possible service to the Township of Roxbury and to avoid all conflicts between their private interests and their public duty and to that end have signed Certifications as to all properties that are owned by members of the Zoning Board in Roxbury Township or in other communities which abut the Township of Roxbury and said Certifications will be open for public inspection at the Municipal Building during normal business hours.

**Adopted:** January 13, 2020

**AMENDED AGENDA**

Minutes from December 9, 2019 meeting *to be approved.*

**RESOLUTIONS:**

**ZBA-17-008 COUNTY CONCRETE**, Preliminary Site Plan & Variance relief for property located at 50 Railroad Avenue, Kenvil, Block 2401, Lots 7,8 &9; Block 2408, Lot 1 in an R-3, OS zone. *Approved and Memorialized*

In the matter of County Concrete Corp.  
Case No. ZBA-17-008

**RESOLUTION OF FINDINGS AND CONCLUSIONS  
BOARD OF ADJUSTMENT  
TOWNSHIP OF ROXBURY  
RESOLUTION**

Approved: September 9, 2019  
Memorialized: January 13, 2020

**WHEREAS**, County Concrete Corp. has applied to the Board of Adjustment, Township of Roxbury for permission to demolish the existing shop and construct a new shop building for premises located at 50 Railroad Avenue and known as Block 2401, Lots 7, 8 and 9 and Block 2408, Lot 1 on the Tax Map of the Township of Roxbury which premises are in a “R3” and “OS” Zones; said proposal required relief from Sections 13-7.1301, 13-7.1301D8, 13-7.1301D6, 13-8.915, 13-5.101, 13-8.702N, 13-8.807F, 13-8.703A, 13-8.700D, 13-8.702G, 13-8.702H, 13-8.702I, 13-8.702K, 13-8.8, 13-8.706, 13-8.806.2, 13-7.702B, 13-8.705 of the Roxbury Township Land Use Ordinance; and

**WHEREAS**, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. Edward Dunne, Esquire represented the Applicant.
2. The Applicant is owner of the subject property and operates a sand, gravel, and concrete operation, along with manufacturing, processing, maintenance, office administration, and material equipment and vehicle storage.
3. The Applicant is proposing to demolish the existing shop and replace it with a new, larger, more efficient shop building, which requires relief from Section 13-7.7, for an expansion of a non-conforming use, pursuant to N.J.S.A. 40:55D-70(D)(2).
4. Applicants submitted the following documents:

**Prepared by Korzen Engineering, LLC – dated 2/1/17, revised 8/20/19**

- Sheet 1, Title Sheet
- Sheet 2, Overall Location Map
- Sheet 3, Existing Conditions Plan
- Sheet 4, Overall Layout & Dimensioning Plan
- Sheet 5, Layout & Dimensioning Plan – East
- Sheet 6, Layout & Dimensioning Plan – West
- Sheet 7, Overall grading, Drainage and Utility Plan
- Sheet 8, Grading, Drainage and Utility Plan – East
- Sheet 9, Grading, Drainage and Utility Plan – west
- Sheet 10, Soil erosion & sediment Control Plan
- Sheet 11, Lighting Plan
- Sheet 12, Construction Details – 1
- Sheet 13, construction Details – 2
- Sheet 14, Circulation Plan
- Sheet 15, Aerial Photo

**Prepared by Property Line Surveying, LLC. – dated 12/2/15**

- Sheet 1 of 1, Topographic & Boundary Survey

**Prepared by Charles Schaffer Associates – Architects – dated 8/21/19**

- Sheet 1, Cover Sheet - Color Rendered Front and Right Side Elevation, undated
- Sheet A-1, Front Elevation and Right Side Elevation
- Sheet A-2, Rear Elevation and Left Side Elevation
- Sheet A-3, Floor Plan,
- Sheet 2, Existing Office/Shop and Garage, 5/12/17

5. The Board received the following reports:

- a. Russell Stern, Township Planner, September 6, 2019
- b. Mark Denisiuk, Board Engineer, dated September 6, 2019
- c. Michael A. Kobylarz, Township Engineer/Director of Utilities, dated September 5, 2019
- d. Morris County Planning Board, dated March 31, 2017
- e. Morris County Soil Conservation District, dated March 28, 2017
- f. Health Department, dated May 15, 2018

6. The property is the subject of a previously granted use variance and site plan approval to develop a two-story office building in the R-3 Zoned parcel Block 2408, Lot 1. The adjoining properties, which are part of the current application, have operated as a sand, gravel, and concrete batch plant under the Applicant and the predecessor in title. The other pre-existing nonconformities, include but are not limited to:

- a. Use (manufacturing, processing, maintenance, repair, storage, offices)
- b. Building setbacks
- c. Multiple buildings
- d. Outdoor material, equipment and vehicle storage



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- e. Parking and circulation layout
  - f. Pavement and curbs
  - g. Signage
  - h. Sidewalks
  - i. Lighting
  - j. Overhead wires
  - k. Stormwater management
  - l. Trash/recycling
  - m. Landscaping and buffering
7. The current application seeks a “D2” variance for the expansion of the nonconforming use and preliminary site plan with “C” variances and design waivers to demolish an existing maintenance/repair garage and replace it with 17,160 square feet (143’ x 120’) one-story shop containing 5 repair bays, 2 parts bays, 2 grease bays, 2 wash bays, a weld shop, office, break room, lockers, and bathroom. A 50’ x 120’ canopy is proposed off the southerly building elevation, as required by the New Jersey Department of Environmental Protection (“NJDEP”).
  8. The Applicant further seeks a road vacation from the Governing Body for 0.26 acre portion of Fourth Street. The lots will be merged into one 26.10 acre lot, with public water and sewer extended to the site by the Applicant.
  9. An approval would result in an increase from 48.7% to 51.49% impervious coverage, as well as an increase from 7.33% to 12.43% of building coverage.
  10. The Application was heard at a duly noticed public hearing of the Board of Adjustment on September 9, 2019. John Crimi, the owner and president of County Concrete, presented sworn testimony in support of the application. Peter Korzen, P.E., LPLS of Korzen Engineering was accepted as an expert and sworn in.
  11. County Concrete was purchased by Mr. Crimi on April 26, 1978 and has operated at the current location since then. The following Exhibits were marked for identification.
    - a. A-1 – Photo of the Main Office on Railroad Avenue
    - b. A-2 – Photo of County Concrete facing the residential area
    - c. A-3 – Photo of County Concrete facing the residential area
    - d. A-4 – Photo showing the outside of the steel storage and washing filtration system

- e. A-5 – Photo of the back of the building that holds the washing filtration system, showing the stem pad
  - f. A-6 – Photo of the location of the tire shed and steal rack
  - g. A-7 – Photo of the 1938 bunker and hunt repair shop
  - h. A-8 – Photo of the office trailer
  - i. A-9 – Artistic rendering concept of the new building showing the front elevation
12. Mr. Crimi gave an overview of the property referencing a Google Earth aerial presented by Korzen Engineering, dated 02/01/2017. The property is developed with several buildings and structures; it also has an area of cleared land utilized for extractive mining and concrete manufacturing. The property also has a manmade lake, a deciduous forest, a large area of wooded wetlands, and an old field that make up the balance of the property, along with a railroad that runs through the center of the property. There are residential properties to the north, northeast, northwest, and south side of the property.
13. Approximately 3,000 tons of raw materials are manufactured each day, washed with 4,800 gallons of water per minute. There is no blasting, as this is not a quarry, it is called a borrow pit. The materials that are produced on site are utilized to build roads by NJDOT, PENN DOT, and PORT AUTHORITY.
14. County Concrete has six (6) plants, but all of the sand comes from this location. The plants communicate though the Main Office. All trucks have GPS and can be located at any time. There is a certified master that operates out of the weigh station. The State of New Jersey inspects the site for compliance.
15. County concrete has 200 employees; approximately 100 employees are on-site.
16. The size of the proposed building was reduced prior to the hearing, and there are no plans to add landscaping to the building.
17. During questioning from the Board, Mr. Crimi testified that a key purpose of the proposal was that the trucks could be worked on inside the building, including washing some of the larger

vehicles. The lighting will be improved as well as the ability to maneuver the trucks inside the building.

18. All welding can be done inside the welding shop. There will be more sufficient storage of parts and tires, in a cleaner/quieter area. The building will be better insulated with higher ceilings and bay doors that do not face the residential area. Mr. Korzen provided an engineering overview explaining the existing conditions on-site. The shop building is located between Lots 8 & 9, with the existing office building on Lot 1. The maintenance building, scale house, weight scale, and shed are on Lot 8. The fuel tanks, concrete plant, stone plant, sand plant, separator, and concrete wall, with charging outlets, are on Lot 9.
19. The proposed structure will be on Lots 7 & 8, with the bay doors on the west and east side of the building. Trucks will enter the building from the west side and exit toward Railroad Avenue. The parking area will be located where the current building is located and the concrete parking area will be resurfaced without additional impervious coverage. The parking provided will increase from 32 parking spaces currently on-site to 52 parking spaces proposed.
20. The engineer gave an overview of drainage and utilities. All proposed utilities will be underground. Lots 7 & 8 will be merged.
21. The existing above ground storage tank will be replaced as soon as possible with a natural gas tank. The only demolition on-site will be the garage.
22. Hours of operation are twenty four hours a day, seven days a week, in two 12 hour shifts. The proposed soil moving hours are 7 am to 6 pm OR 8 am to 4 pm. Applicant shall determine the proposed soil moving hours, and they shall be accurately reflected on the plans.
23. Lighting is sufficient, with no complaints from the neighbors. Accordingly, no changes are proposed to the current lighting plan.
24. Mr. Korzen reviewed the professional reports and addressed the issues raised by Mr. Denisuik, Mr. Stern, and Mr. Kobylarz.

25. Members of the public questioned the witness with regard to proximity of the buildings to the residential neighbors, the noises coming from the building, the landscape buffer between the site and the residential neighbors, and the conditions on the site. The witness responded that the Applicant would work with the neighbors to improve the current concerns.
26. The meeting was opened to the public for sworn testimony. Sherry Norman, a neighbor of the subject property stated that she hears loud noises from the site and that sometimes the activity on-site causes her house to shake.
27. Peter Crawford, another member of public stated that he wanted to protect his home and believed a bigger buffer would be a better option. In response, the Applicant agreed to provide trees to the neighbors to plant on their side of the property line to increase the buffer area.

**WHEREAS**, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Roxbury for the following reasons:

1. The Board finds the testimony of the witnesses to be credible and competent. Pursuant to N.J.S.A. 40:55D-70d(2), relief is granted from Section 13-7.7 for the expansion of a pre-existing, nonconforming use; namely an industrial building in the R-3 Residential zone. The Board determined that the proposal to update the existing outdated building provides better organization on the site, as well as allowing the Applicant to conduct equipment repair activities and mechanical work inside the building that currently take place outdoors. Additionally, the bay doors will be located facing away from the existing residential area. The proposal enhances the property's compatibility with adjoining residential lands. The Board was satisfied that the proposal will benefit the community as a whole, improving the aesthetic appearance of the site as well as the compatibility with the surrounding residential use.
2. The Board further determined that the variance relief could be granted without a substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. The construction of a new maintenance/repair garage will improve the

surrounding area and permit the Applicant to conduct activities inside of the building. Along with the landscape buffer, activities taking place inside the building will reduce the impact on the neighboring residents. The Board previously approved the construction of the office building, as it provides a transition between the industrial facility and the residential homes.

3. The following bulk relief is granted and subsumed in the use variance relief:
  - a. Relief is granted from Section 13-7.1301D8, as a maximum impervious coverage of 25% is permitted while 51.49% is approved.
  - b. Relief is granted from Section 13-7.1301D6, as a side yard setback of 10 feet is required while 7.5 feet is approved to the south.
  - c. Relief is granted from Section 13-8.915, as the proposed 10'-6" wide by 6'-4" high wall sign is not a permitted sign in the R-3 Residence District.
  
4. The following waivers shall be granted as they are reasonable and within the general purposes and intents of the land use ordinances:
  - a. A waiver from Section 13-5.101 is granted for the submission of an Environmental Impact Statement.
  - b. A waiver from Sections 13-8.702N and 13-8.807F is granted, as nine feet wide curbed planting end islands with shade trees are required at the end of parking bays. These areas will be striped on the pavement.
  - c. A waiver from Section 13-8.703A, as the site does not have a designated 15' x 60' off-street loading/unloading space.
  - d. A waiver from Section 13-8.700D is granted, as the proposed parking spaces are not curbed.
  - e. A waiver from Section 13-8.702G is granted, as the access drives span multiple properties while a 10 foot side yard setback is required.
  - f. A waiver from Section 13-8.702H is granted, as the traffic aisle is flush with the proposed building while a 6 foot setback is required.

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- g. A waiver from Section 13-8.702I is granted, as a raised curbed sidewalk, minimum 6 feet wide, is not provided along the northerly building elevation.
- h. A waiver from Section 13-8.702K is granted, as hairpin parking stall striping is not provided.
- i. Waivers are granted from Section 13-8.8, as the site is minimally landscaped and no landscaping is proposed under the current application. Relief includes:
  - a) Street trees.
  - b) Parking lot hedge planting.
  - c) Parking lot shade trees.
  - d) Parking lot planting end islands.
  - e) Trash enclosure landscaping.
  - f) Driveway accent landscaping.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Township Roxbury on the 9<sup>th</sup> day of September, 2019 that the approval of the within application be granted subject, however, to the following conditions:

1. Payment of all fees, sureties, and escrows required by ordinance.
2. The stormwater analysis shall be revised to include complete information relative to the existing and proposed conditions including a curve number analysis, pre and post development hydrographs for the 2, 10, and 100 year storm events, more detailed drainage area maps and an analysis of water quality and groundwater recharge requirements. The requirements are set forth, at length, in the report prepared by Ferriero Engineering, Inc., dated September 6, 2019 and incorporated herein as if set forth at length.
3. A detailed stormwater management report shall be provided for review and approval by the Township Engineer.
4. NJDEP standards for water quality, water quantity, groundwater, and discharge shall be met.
5. A copy of the NJDEP permit from quarterly monitoring shall be supplied to the Township.
6. The zoning table shall be updated to address Lots 1 and 9.

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7. Metes and bounds descriptions for the proposed lots and any easements shall be submitted or for review and approval.
8. Lots 7 & 8 shall be merged into one lot, via Deed, subject to the review and approval of the Township Engineer, the Board Attorney, and the Tax Assessor.
9. Applicant shall provide cross access/parking easements for lots 1, 7, 8, and 9 for shared access.
10. A demolition plan shall be provided that clearly depicts the existing and proposed improvements.
11. The proposed canopy shall be depicted on the plans and the dimensions shall be labeled on the site plan.
12. An easement for the proposed canopy that extends onto Lot 9 shall be provided.
13. A detailed table listing all existing and proposed ground covers shall be provided on the plans.
14. ADA accessible parking and accessible routes to the building must be detailed on the plans.
15. Additional spot grades shall be included in the plan, subject to approval of the Board Engineer.
16. Township Engineer shall approve the design of the water and sanitary sewer systems.
17. Utility easement, across Lot 1 in favor of Lot 7, for water and sanitary sewer services shall be subject to the review and approval by the Township Engineer, Township Attorney, and the Board Attorney.
18. The wash pad and wash bay water storage and discharge locations shall be detailed on the plans.
19. The sanitary sewer lateral pipe slope shall be revised to comply with plumbing codes.
20. Road opening permits shall be obtained for the utility connections.
21. Scour protection and a headwall shall be provided at the end of the 12" RCP roof drain.
22. The plan shall be revised to accurately depict the number and location of the garage doors on the westerly side of the building.
23. A lighting manufacturer cut sheet and detail shall be provided on the plans.
24. The hours of illumination for the Type A fixtures shall be indicated on the plans.
25. The location of the fire hydrant shall be depicted on the plans and subject to the approval from the Fire Official and Township Engineer.

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26. The existing vegetated island and driveway limits shall be depicted on the existing conditions maps and site plan.
27. Applicant shall determine proposed soil moving hours and they shall be accurately reflected on the plans.
28. Approval from the Morris County Planning Board and Morris County Soil Conservation District shall be obtained.
29. Applicant shall obtain a Soil Movement Permit from the Township.
30. Applicant shall attend a pre-construction meeting with the Township Engineer prior to any land disturbance.
31. Applicant shall obtain approval from the Fire Official for fire lanes, emergency vehicle circulation and hydrant location.
32. Applicant shall obtain approval for the abandonment of the septic system and well from the Health Department.
33. As built plans shall be reviewed and approved by the Township Engineer prior to the issuance of a Certificate of Occupancy.
34. Applicant shall obtain Final Site Plan approval prior to the issuance of any Certificate of Occupancy for the site.
35. An Auto CAD file of the site plan must be provided to the Board.
36. All site work shall be done at once; there shall be no phasing of the proposed improvements.
37. Applicant shall pay a lot line revision fee as part of the lot merger.
38. Architectural elevations shall be provided for the 120' x 50' canopy.
39. Gross floor area of the existing and proposed maintenance/repair garage shall be identified.
40. Prior to the merger of properties and road vacation, lot numbers shall be assigned by the Tax Assessor.
41. Applicant shall effectuate the partial vacation of Fourth Street by the Governing Body as depicted on the drawings.



42. The bulk requirements table shall specify the proposed conditions based upon the ultimate merger of the properties and the Fourth Street road vacation.
43. The engineering and architectural drawings shall note that rooftop mechanical equipment shall be architecturally screened in a manner compatible with the building architecture, if applicable (Section 13-8.706).
44. Reference to “final” site plan shall be removed from the drawings.
45. Use of the proposed maintenance and repair building shall be restricted to vehicles and equipment associated with the principal use of the property.
46. Applicant shall accurately locate the existing tree line on the survey.
47. A dimensioned buffer shall be established (no storage area) along the existing tree-line adjoining R-3 zoned residential properties, which shall be no less than 50 feet from the residential properties. All storage and parking is prohibited within this area.
48. Markers shall be installed to readily identify the buffer boundary, which shall be no less than 50’ from the residential boundary.
49. If deemed necessary by the residential neighbors, the Applicant shall purchase evergreen trees to increase the landscape buffer. Applicant shall not be responsible for planting of said evergreen trees, minimum of 6-8 feet.
50. All equipment/parts and debris shall be removed from the buffer area.
51. Parking and the storage of any material shall be prohibited within the buffer area.
52. Plans shall be revised to remove the northernmost parking space which has been partially located on lawn/soil.
53. Handicap parking shall be depicted and sign details provided (Section 13-8.702B).
54. Faded parking stall striping shall be repainted.
55. A trash/recycling enclosure shall be provided in accordance with Section 13-8.705. Alternatively, the Applicant shall indicate on the plans a location on the southerly side of the proposed building for the dumpster to be stored and screened, so that same is not visible by the residential

neighbors. The location and screening are subject to review and approval by the Township Planner.

56. The existing trash enclosure associated with the office shall be repaired.
57. The bulk requirements table shall specify the proposed building height per code (31'-1").
58. The wall light detail shall be provided on the site plan.
59. Pursuant to Section 13-5.500A, all electric, telephone, and cable television lines servicing the proposed building shall be installed underground. Plans shall be noted accordingly.
60. Any proposed antennas or satellite dishes shall comply with Section 13-7.812.
61. Plans shall be revised to add a note that any noise making instruments such as loud speakers, amplifiers, radios or similar devices which are situated to be heard outside any building are prohibited.
62. The Applicant shall obtain authorization by the Governing Body for additional sewer capacity allocation (Section 13-8.501E).
63. The Applicant shall provide their pro rata share of off-tract and off-site improvements as determined by the Township Engineer (Sections 13-4.6 and 13-4.7).
64. The Applicant shall comply with Section 13-7.829 Mandatory Development Fees, as applicable.
65. The existing and proposed lot coverage shall be revised and based upon the ultimate lot merger and road vacation.
66. The Applicant shall confirm that the new alignment of the sanitary sewer lateral extension serving the new building will not conflict with the existing sanitary sewer lateral from the County Concrete office building located at 50 Railroad Avenue. The existing sanitary sewer lateral from the office building to the sanitary sewer main shall be depicted on the plans.
67. The existing scale house, maintenance building and garage shall remain on septic until the Water Quality Management Plan is amended to include these buildings. A separate sewer connection fee shall be required once these buildings connect to the sanitary sewer system. The connection fee rate at the time of the connection shall apply.

68. According to Township records, the existing sanitary sewer main between Third Street and 50 Railroad Avenue is eight inch (8") PVC sanitary sewer main. The plan shall be revised to label the sanitary sewer main accordingly.
69. The size of the sanitary sewer lateral from the proposed building to the sewer main shall be confirmed. Applicant shall confirm that a 4" lateral is sufficient for the proposed building.
70. The note "Prop. Inserta-Tee Connection, Prop. Inv. In To Be Field Verified," that is no longer applicable, shall be removed from the plans. The proposed 4" x 6" sanitary sewer lateral shall connect to the sanitary sewer main by cutting and removing a section of the existing PVC sewer main and installing two (2) solid PVC sleeves, PVC pipe, 8" x 6" or 8" x 4" tee or t-wye lateral connection. The sewer lateral connection shall be placed on a compacted bed of 3/4" clean stone. The core drilling and installation of a sewer saddle on the existing main shall not be acceptable.
71. Plan Sheet 7 shall be revised to include the entire note "prior to construction, the contractor shall clean terminal manhole and shall clean and video-inspect 8" sanitary pipe to verify integrity." The cleaning and video inspection work shall be coordinated with the Sewer Department.
72. Applicant shall obtain a Right of Way Excavation Permit for all work within Railroad Avenue.
73. The detail shall be revised to eliminate the drop manhole connection and associated labels, as there are no proposed drop manholes on the plans.
74. The detail on the Sectional Plan shall be revised to specify "flexible manhole sleeves with two (2) stainless steel straps" for the proposed pipe connections to the manholes.
75. A detail for the proposed "Manhole Frame and Cover" shall be provided on the plans. The manhole covers shall have the words "Private Sanitary Sewer, Year" on the cover. The onsite manhole covers shall be watertight. The entire sanitary sewer lateral from the sewer main to the building shall be a private sanitary sewer lateral. The Township shall have no ownership or maintenance responsibilities on the lateral or any appurtenances on the lateral.

76. The “Trench Detail for PVC Sanitary Sewer Pip” shall be revised to depict the ¾” clean stone to the top of the pipe. The remaining backfill shall be dense graded aggregate compacted in maximum eight inch (8”) lifts to minimum 95% of maximum dry density per ASTM D1557.
77. A “Township Pavement Restoration Detail” shall be provided on the plans. The detail shall include the placement of two inch (2”) thick compacted hot mix asphalt surface course (HMA 19M64) placed over the width of the trench plus one (1) foot on either side of the trench. The base course shall include a four inch (4”) thick compacted hot mix asphalt base course (HMA 12.5M64) placed over a four inch (4”) thick compacted dense graded aggregate subbase.
78. The “Township Pavement Restoration Detail” shall include notes stating, “Immediately after backfilling, the contractor shall repair any pavement disturbed as follows:
- a. Temporary pavement restoration shall consist of a base course of six inches (6”) of compacted hot mix asphalt course (HMA 12.5M64) over four inches (4”) of compacted dense graded aggregate subbase. The stabilized base shall be laid flush with the existing road surface.
  - b. Permanent pavement restoration shall be completed within six (6) to nine (9) months after completion of the temporary pavement restoration. The area to be restored shall be milled to a depth of two inches (2”) and overlaid with a two inch (2”) thick compacted hot mix asphalt surface course (HMA 19M64) finished level with the adjacent pavement. The milling shall extend a minimum of one foot (1’) beyond the original area disturbed.”

Ms. Robortaccio made a motion to memorialize the resolution, Mr. Klein seconded.

*Roll call:* Ms. Robortaccio, yes; Mr. Klein, yes; Mr. Ms. Houtz, yes; Mr. D’Amato, yes; Mr. Overman, yes; Mr. Fuery, yes; Ms. Dargel, yes.

**ZBA-19-018 SELBY**, Final Major Site Plan, for property located at 101 Hillcrest Road, Ledgewood, Block 8602, Lot 16 in a LI/OR zone. *Approved and Memorialized*

In the matter of John Selby  
Case No. ZBA-19-018

**RESOLUTION OF FINDINGS AND CONCLUSIONS  
BOARD OF ADJUSTMENT  
TOWNSHIP OF ROXBURY  
RESOLUTION**

Approved: December 9, 2019  
Memorialized: January 13, 2020

**WHEREAS**, John Selby has applied to the Board of Adjustment, Township of Roxbury for Final Major Site Plan Approval for premises located at 101 Hillcrest Avenue and known as Block 8602, Lot 16 on the Tax Map of the Township of Roxbury which premises are in a “LI/OR” Zone; and

**WHEREAS**, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing has made the following factual findings:

1. The Applicant is the owner and developer of the subject premises. The development of this property began in 2007. The then Applicant was Blanche Valentino and the Board granted a use variance and preliminary site plan approval with “C” variances that was embodied in a resolution adopted November 8, 2007. The Applicant received an extension of time on the approval which was adopted in 2010. The Applicant now seeks final major site plan approval.
2. The Applicant submitted a Final As-Built survey prepared by Careaga Engineering dated May 13, 2019 revised August 20, 2019.
3. The Board received the following memorandums:
  - a. Russell Stern, Township Planner, dated November 4, 2019
  - b. Mark Denisiuk, Board Engineer, dated November 12, 2019
  - c. Michael A. Pellek, Fire Official/Safety Officer dated November 6, 2019
  - d. Lt. Daniel Murray, Police Department, dated November 18, 2019
  - e. Final Report of Compliance, dated December 6, 2019

4. The property is comprised of a 22,509 square foot lot in the LI/OR, Light Industrial/Office Research District. The Applicant constructed a one-story square foot flexible office/warehouse building with 11 parking spaces. Approximately 20% of the building will be office space and the remainder will be used for warehouse/industrial space.
5. During the course of the public hearing, John Selby and his project manager, Keith Bowers, provided testimony in response to the reports the Board received from the professional staff and the aforementioned various Township officials.
6. It is noted that there was a 0.2' deviation, from the site plan, for the setback variance that the Board approved as a minor field change. Additionally, minor deviations to the landscaping and rock wall construction occurred, which the Board's Planner has no objection to.
7. The Fire Official and Police chief had no comments with regard to this application.

**WHEREAS**, the Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Roxbury for the following reasons:

1. Pursuant to N.J.S.A. 40:55D-50, the Board found that the detailed drawings, specifications, and estimates on the application substantially conform to the standards established by the Township Ordinance for final approval and the conditions of Preliminary Approval.
2. The Board determined that any deviations of those standards could be addressed through the conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Township Roxbury on the 9<sup>th</sup> day of December, 2019 that the approval of the within application be granted subject, however, to the following conditions:

1. All fees, sureties, and escrows required by Ordinance shall be paid prior to the issuance of permanent Certificate of Occupancy.
2. The as-built survey indicates that the inlets were constructed too high and the parking area was improperly graded. The survey also indicates that the parking lot is pitched toward the center of

the drive aisle instead of to the curbs. A site inspection was performed during a rain event and it was observed that runoff was flowing down the center of the drive aisles, past the inlets, and into Hillcrest Avenue. The site runoff is not flowing into the new underground detention system that was installed to capture runoff. A revised plan must be provided to demonstrate that the inlets intercept all runoff as per the approved drainage plans.

3. All inverts of the underground detention system, including the outlet control structure, orifices and weirs, shall be shown on the as-built survey.
4. The as-built survey indicates that two 10" CMP outfall pipes were installed instead of the 15" RCP pipe that was on the approved plans. Inspection reports from 2017 indicate that two 8" ductile iron pipes were installed. The pipe size and type shall be verified on the as-built survey.
5. The third access port on the outlet control structure is not visible in the field and shall be brought to grade as per the approved plans.
6. A drywell manhole cover is currently labeled "septic" and should be replaced.
7. All inlets should have debris removed, and a low flow channel should be installed as per the approved plan details.
8. Missing block curbing at the Orben Drive temporary access point shall be replaced.
9. The "do not enter sign" shall be repositioned as per the approved site plan location.
10. The landscaping, tree replacement and building features shall be reviewed and approved by the Township Planner.
11. The Township Engineer shall review and approve the As-built survey prior to a Certificate of Occupancy being issued.
12. The Applicant shall comply with the Resolution for preliminary approval and install the appropriate lighting accordingly.
13. Damaged trash enclosure receptacles shall be replaced.
14. Applicant shall comply with any off-tract contribution deemed necessary by the Township Engineer.

15. The mandatory development fee shall be paid.
16. The outdoor storage of materials and products is prohibited.
17. The commercial repair or sales of any kind is prohibited in the parking area, driveway and traffic aisles.
18. The Applicant shall construct a trench drain that shall be constructed by February 15, 2020.

Same is subject to the review and approval of the Township Engineer.

Mr. Overman made a motion to memorialize the resolution, Ms. Robortaccio seconded.

*Roll call:* Mr. Overman, yes; Ms. Robortaccio, yes; Mr. Ms. Houtz, yes; Dr. Kennedy, yes; Mr. Klein, yes; Mr. D'Amato, yes; Mr. Fuery, yes; Ms. Dargel, yes.

**ZBA-19-031****FULLERTON GROUNDS MAINTENANCE**, Soil Movement application for property located at 77 North Hillside Avenue, Kenvil, Block 5301, Lot 20. *Approved and Memorialized*

**ROXBURY TOWNSHIP ZONING BOARD OF ADJUSTMENT  
MAJOR SOIL REMOVAL/RELOCATION PERMIT**

Pursuant to Chapter XVII of the General Ordinances of the Township of Roxbury, Article 17-1 et.seq. (the "Ordinance"), the Roxbury Township Zoning Board of Adjustment (the "Board"), having conducted a public hearing with public notice pursuant to the Ordinance, does hereby grant to the Applicant identified herein a Major Soil Permit, subject to the terms and conditions enumerated herein below.

1. Applicant/Permittee: Fullerton Grounds Maintenance, LLC
2. Application Number: ZBA-19-031
3. Property Identification: 77 North Hillside Avenue - Block 5301, Lot 20
4. Subdivision/Site Plan Approval Date(s):
5. Major Soil Permit Approval Date: December 9, 2019
6. Effective Date:
7. Findings of Fact:
  - a. The Board has received an Application consistent with the requirements of Ordinance Section 17-6, and the Applicant has paid the application fee pursuant to ordinance Section 17-7.1.
  - b. Proof of adequate notice of this Application, pursuant to Ordinance Section 17-6.5, has been furnished to the Board.
  - c. A public hearing was conducted in accordance with the Ordinance and with opportunity for comment by interested members of the public on the following dates: 12/9/19
  - d. In granting this Permit, the Board has considered the factors enumerated in Section 17-6.6 of the Ordinance. The Board has received and considered the following documents in



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connection with this Application: (1) soil moving application dated 10/23/19; (2) site plan grading & drainage revised to 11/13/19; (3) earthwork calculations by Nicholas J. Wunner, PE dated 11/13/19; and (4) reports of the Zoning Board Engineer, Mark Denisiuk, 11/14/19.

- e. The Board has made the following additional findings of fact:
    - i. The Applicant intends to cut 1,805 cubic yards (c.y.) of soil.
    - ii. The Applicant proposes to relocate within the site 1,590 c.y. of soil.
    - iii. The Applicant intends to export fill to 215 cy.
    - iv. The route of truck travel to Applicant's site from the borrow site to the disposal site will be: Hillside Avenue North to Route 46 to out of Town.
    - v. The Applicant has agreed to comply with the recommendations contained in the report of the Zoning Board of Adjustment's Engineer dated 11/14/19.
    - vi. Pursuant to Section 17-9d of the Ordinance, the Board finds that circumstances warrant the restriction of the hours of soil moving operations to 8:00 a.m. to 4:00 p.m. on weekdays and 8:00 a.m. to 12:00 noon on Saturdays (with such operations prohibited on Sundays and legal holidays).
    - vii. Pursuant to Section 17-17 of the Ordinance, the Board finds that strict application of the following Ordinance provisions would impose hardship and hereby grants waivers with respect thereto;
8. Conditions of Approval: This Permit is granted subject to the following terms and conditions:
- a. This Permit shall remain valid for a term of one year from the Effective Date specified in Paragraph 6 hereinabove, subject to extension thereafter in accordance with Ordinance Section 17-9c.
  - b. The Applicant shall pay the engineering review and inspection fees as required in Ordinance Section 17-7.3.
  - c. This approval shall not become effective until: (i) Applicant has paid all outstanding property taxes and assessment due or delinquent as of the date hereof; and (ii) all conditions of the Site Plan approval fulfilled to the satisfaction of the Board Engineer.
  - d. Applicant shall comply with (i) "Hours of Operation" established pursuant to Ordinance Section 17-9d; (ii) "General Terms and Conditions of Operation" stipulated in Section 17-10; (iii) "Topsoil Restrictions", pursuant to Section 17-11; (iv) "Depth of Excavation; pursuant to Section 17-12; and (v) "Final Grades", pursuant to Section 17-13.
  - e. Applicant grants to the Township Engineer and/or his duly authorized agents, the right of entry to the property to conduct inspections to determine compliance with this Permit.
  - f. This approval is subject to all outside agency review, as may have jurisdiction over this matter.
  - g. This Permit is subject to the following additional terms and conditions:
    - i. All fill will be exported from Applicants site from Hillside Avenue North to Route 46 to a location outside of the Township.
    - ii. The route of truck travel to/from Applicant's site from the borrow site/to the disposal site shall be: Hillside Avenue North to Route 46 to out of Town.
    - iii. The Erosion Control Plan shall be modified to indicate the following note: "Notwithstanding the approved Erosion and Sediment Control Plan, the Applicant shall implement all measures needed to satisfactorily control erosion, dust, and sediment transport as may be reasonably determined by the Township Engineer during construction".

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- iv. Applicant shall post fees as follows: \$250.00 application fee; \$1,000.00 escrow fee; and \$259.25 Soil Movement fee. Inspection fee is included with the Township Engineering inspection fees for the site plan. Performance bond was waived by the Board.
- v. Applicant shall place hay bales on the site to supplement planned silt fencing for erosion control to the satisfaction of the Township Engineer.
- vi. In accordance with Ordinance Section 17-6.1(t), the Applicant shall stake out interior improvements with appropriate cut sheets to the satisfaction of the Township Engineer.
- vii. Applicant shall participate in a pre-construction meeting, during which, traffic control will be coordinated with the Police Department. Applicant shall be responsible for all costs associated with traffic control including, but not limited to, Police Officers.

The undersigned does hereby certify that the foregoing is an accurate recitation of the action taken by the Zoning Board on the approval date designated hereinabove.

Mr. D'Amato made a motion to memorialize the resolution, Mr. Klein seconded.

*Roll call:* Mr. D'Amato, yes; Mr. Klein, yes; Mr. Ms. Houtz, yes; Dr. Kennedy, yes; Mr. Overman, yes; Mr. Fuery, yes; Ms. Dargel, yes.

**APPLICATIONS:**

**ZBA-19-027 ANDRUTCHUK,** Variance relief for property located at 13 King Road, Landing, Block 11909, Lot 3 in an R-2 zone. *Carried to March 9, 2020 with no further notice.*

**ZBA-17-012 KINGTOWN DIESEL,** Amended Preliminary Site Plan, "D" Variance for property located at 1470 Route 46 East, Ledgewood, Block 9302, Lot 3 in a B-2 zone. *Carried to February 3, 2020 with no further notice.*

**ZBA-19-026 DAYARAM,** Variance relief for property located at 1 Rawlings Court, Ledgewood, Block 8305, Lot 6 in an R-2 zone. *Application has been withdrawn by applicant due to compliance with property setbacks.*

**ZBA-19-005 NATIONAL EXPRESS BUS,** Minor site plan, for property located at 3 Howard Place, Ledgewood, Block 8901, Lot 11 in an OR-5 zone.

Mark Blount from Chester, NJ stepped forward and introduced himself as the attorney for National Express Bus. Ms. Dargel then swore in Chris Baile of 81 Cleveland Avenue, Milltown, NJ

Mr. Baile represented National Express Transit which is a subsidiary of National Express; a multinational transportation company that specializes in people movement in everything except for air travel. In the transit division National Express Bus operates locations that provide municipal transit, paratransit, as well as offer shuttle services by means of coach buses and other similar vehicles. National Express acquired Aristocrat Limousine & Bus Company in March of 2018 and as part of that acquisition changes have been made to the existing operation. National Express Bus's goal is to put an operations space in the Roxbury facility to house a dispatcher and office manager. National Express Bus provides transportation services within the community and does a lot of work with Board Of Education groups in multiple areas of NJ.

Mr. Blount asked if National Transit owned the Roxbury property. Mr. Baile replied that the property is leased by National Transit from the previous owner the Wright family.

Ms. Robortaccio asked where are the two employees that are going to be housed in the proposed facility housed now. Mr. Baile replied they are currently in a location in Parsippany. Ms. Robortaccio stated that she read in testimony that at the Roxbury site there is an office already inside the current building and why is there a need for two offices. Mr. Baile replied there is an office inside the building but, he would like to keep the office space to maintain operations as they have been always. Ms. Robortaccio asked so you would have one office that is ADA accessible and one that is not. Mr. Blount stated that the current facility can be ADA accessible should that need be necessary. In turn, the remaining employees (manager and dispatcher) would be housed in the proposed office.

Mr. Blount suggested that Mr. Baile give testimony on how the current operation is run with the utilization of current staff and what is being proposed, where the employees will be housed, and how he would anticipate operations being run going forward.

Mr. Baile then testified the following: Currently, the operation is run with drivers reporting to the Roxbury facility where the vehicles are housed, maintained, and dispatched out of the facility. Mr. Baile would like to have a dispatcher and general manager in the proposed office space to work in an environment where there is privacy and space when that individual is interacting with the drivers and with any maintenance staff. Currently, the interior building is an open building that has no walls or cubicles separating the desks. At this time one of the desks is assigned to the maintenance lead and that will not change. The proposed office space is for a more secure and private area for the general manager and the dispatcher to work out of.

Mr. Overman asked if the current dispatcher and manager work out of a separate facility. Mr. Baile responded yes. Mr. Overman further asked if it was Mr. Baile's intention to move them into the proposed trailer. Mr. Baile responded that is correct.

Mr. Stern asked if the Parsippany location is a current dispatch area. Mr. Baile responded no, it is a residence converted into office space and that the previous owners operated out of that location. Mr. Stern asked if the previous owners were the Wrights. Mr. Baile responded yes. Mr. Stern then asked will the Aristocrat bus line be changing its branding. Mr. Baile replied no; when Nation Express acquires an existing company the company then continues to operate under its existing brand. In the UK or abroad the Nation Express brand is used, but not in the US.

Mr. Baile explained that at acquisition National Express Bus & Limousine was solely a charter bus company and in a lot of their acquisitions there are usually different lines of business that operate out of each location which might include paratransit, or school bus. The Roxbury location is charter bus only which is somewhat unique and the workforce is not large for obvious reasons, because the workforce is on the road. It is a seasonal business and there are usually no more than 6 employees on site at any one time. The business may go thru a period of time where trips do not go out every day. However there is usually a daily charter and in addition may be charters on multiple bus runs and day runs where the driver may be out overnight or for multiple days. Typically the drivers report to the site to do a final inspection on the vehicle prior to the vehicle setting off on its run. The driver fills out an inspection form that takes anywhere from fifteen minutes to a half hour to fill out. Typically there are eight buses on the road at one time, but some days there are no buses on the road.

Mr. Overman asked if there is maintenance staff at the facility. Mr. Baile responded there are two maintenance workers who perform light maintenance on the vehicles and in addition, there are two utility workers that clean the vehicles. The cleaning happens toward the end of the shift when dispatch and the general manager have gone home. Mr. Stern asked what the utility workers hours were. Mr. Baile replied typically no later than 6:00 pm but, if a vehicle comes in overnight than the process would be to

clean the vehicle first thing in the morning at around 6:00 am. Mr. Stern asked what were the hours of operation. Mr. Baile replied typically 6:00 am to 6:00 pm.

Dr. Kennedy asked if a bus comes back later could the facility be open until 11:00 pm. Mr. Baile stated the vehicle would come to the facility, do a driver inspection sheet and then punch out. Dr. Kennedy reiterated that the facility may have hours of 6:00 am to 11:00 pm. Mr. Baile replied only to get the vehicle back to the facility and for the driver to leave.

Mr. Overman asked would there be any other staff there. Mr. Baile replied no, the driver has the code to punch in and out. Dr. Kennedy asked about light maintenance and could Mr. Baile explain further in detail as to what is done to the bus on site.

Mr. Baile replied that the company tries to keep the vehicles on the road as best they can, so, maintenance workers may do a preventative maintenance inspection based on mileage and time. The drivers also do an inspection of the vehicle. An example would be that the driver may do an inspection on the vehicle and find that a bulb is out, so then a replacement of the bulb will be done by our maintenance staff. Maintenance also checks the oil level and the tread depth on tires and they may be replaced on site or a work order is place and the bus is taken out of commission until it is repaired.

Dr. Kennedy asked if brakes were repaired on site. Mr. Baile replied that brakes are always inspected on site as part of preventative maintenance. There are lifts inside the vehicle so maintenance workers can check by pulling the wheels and inspecting the brakes but, brake repair is done offsite. Mr. Baile stated National Express Bus does a lot of 3<sup>rd</sup> party repair work, especially the bigger issues like engine work. Dr. Kennedy asked if oil is changed at the location. Mr. Baile replied yes. Dr. Kennedy then asked where the oil is maintained. Mr. Baile replied the oil is maintained in barrels that have spill kits on the top and are also elevated off the floor. In addition, National Express Bus contracts a company that collects recycled oil. Mr. Baile further stated there are other items being stored on site such as DEF which is a fuel supplement. Dr. Kennedy asked how much storage is on site. Mr. Baile replied they have no underground storage such as fuel tanks and do not have any above ground fuel tanks. National Express Bus holds about 250 gallons of oil at any one time. Dr. Kennedy asked if that amount was a month's worth or a week's worth. Mr. Baile replied it depends on the season. Mr. Stern asked if the oil was stored in 50 gallon drums. Mr. Baile replied yes; and they are stored indoors on a rubber pallet and each barrel has spill guards on them and all containers are marked. In addition, all waste towels are stored in a 55 gallon steel drum that is sealed. Mr. Stern stated when he conducted his inspection for the initial report he saw 55 gallon drums outside. Mr. Baile replied that the drums were removed from the site and stored in the drums were recycled materials. Mr. Baile stated that the vendor would not pick the drums up so National Bus recycled the drums. Mr. Stern asked if they were damaged. Mr. Baile replied they were not damaged, but they did not have any value to them and National Bus wants to maintain the Roxbury site in a clean and orderly manner. It is the reason for the proposed office space, so, that a general manager can be on site to make sure everything is running smoothly.

Dr. Kennedy asked if batteries are stored on site. Mr. Baile replied yes; batteries are stored and charged on site. Dr. Kennedy asked how many. Mr. Baile replied not more than twenty and they are sealed. In addition, if a battery comes off of a vehicle then it is recycled. Mr. Blount asked if there was fueling on site. Mr. Baile replied that there is absolutely no fueling on site. Mr. Baile also noted that all chemicals stored on site are marked as such and each chemical stays in its own container.

Mr. Denisiuk asked if any exterior bus washing is done on site. Mr. Bailed replied that there is a bus wash on site and it is portable and within the building. Mr. Overman asked if there is a designated wash area. Mr. Baile replied yes; and there is appropriate drainage inside the building where the water in turn goes into an underground storage tank. Mr. Stern asked Mr. Baile to confirm that it does not mix with the

storm water or roof run off. Mr. Baile replied that there is a 1,000 gallon self-contained tank that is serviced by Russell Reed and the contents are extracted from the tank and taken off-site.

Mr. Stern asked if the wash unit was mobile and if there was any issue where when a bus is being washed and another bus wanted to go thru the facility would it then be obstructed. Mr. Baile replied no; and further stated the vehicle to be washed enters the building and the portable washer goes around bus. The estimated time to wash the bus is 30 minutes.

Mr. Fuery asked how many buses are on site. Mr. Baile replied 23 vehicles of varying size such as mid-size coach buses that hold 30-40 passengers. Ms. Robortaccio asked to give a breakdown of what is inside vs what is outside. Mr. Baile replied right now on site there is a stretch limo slated to leave the premises as well as two sprinter vans. Mr. Baile further stated currently, National Bus operates their newer fleet first but, they do maintain older buses in very good condition. Typically the newer fleet is placed in cue outside facing away from the building so when they are inspected the driver can just exit the facility. In addition, vehicles are also stored inside the facility to maintain the maintenance schedule of the vehicles. There are spots designated for vehicles that do not move on a regular basis and they are located to the back and out of the way. Mr. Fuery asked why they would not move. Mr. Baile replied if they are not rented they sit.

Mr. Dargel asked Mr. Baile to continue with the list of vehicles to be moved off-site. Mr. Baile replied; there is a coach bus and mini coach moving off site.

Ms. Dargel asked how many buses are on site. Mr. Baile replied eight buses. Then, Ms. Robortaccio asked how many buses are inside the building. Mr. Baile replied twelve buses can be held inside the building. Ms. Robortaccio asked to see a schematic of the inside of the building and noted that looking at the site it is hard to see how twelve buses can fit inside the building. Mr. Baile replied that the buses are maneuvered in such a way that they are stacked from one door to the other door. Mr. Stern asked if there are two or three stacked from the back door to the front door. Mr. Baile replied; two.

Mr. Stern commented that Mr. Denisiuk noticed on the drawings that the restroom jetted out onto the bus parking area. Mr. Baile replied there was an error in the drawing that the restroom does not impede on the bus parking in any way.

Ms. Robortaccio brought up the point that the site was originally only approved for maintenance and now the site is being used for running a rental bus business. Mr. Blount stated he believed the resolution was for maintenance and storage. Ms. Robortaccio remarked that is a big change from its original approval. Mr. Baile replied we as the new owner are before the board to present the application properly and to make the site compliant with the Township.

Mr. Stern further stated that it is not only the issue of the expansion of the non-conforming use because the zoning had changed, but is the factor that what has significantly changed is the outdoor storage of buses. In the resolution it states that only one bus was permitted to park on site behind the building.

Ms. Dargel asked how many vehicles are presently on-site. Mr. Baile replied there are twenty-five buses on site. Mr. Overman asked including the twelve in the building? Mr. Baile replied yes. Ms. Robortaccio asked why is more fleet than needed being stored. Mr. Baile agreed that National Bus does have more fleet than needed and he plans on moving a fleet out. He further stated, in full transparency they are putting together some changes to the site plan to where they want to bring in additional buses. Ms. Robortaccio asked if National Bus was going to expand. Mr. Baile replied yes. Ms. Robortaccio asked if National Bus is going to have the bus drivers personal vehicles parked at the site. Mr. Baile replied yes; and that there is existing parking now.

Ms. Dargel wanted to clarify that Mr. Baile stated there is a maximum of six employees on site currently. Ms. Dargel then asked does that include drivers. Mr. Baile replied; no, that is on site workers and not drivers. Ms. Dargel asked how many drivers come into the site each day on a low day and on a high day that have to park their cars. Mr. Baile replied typically if there is no parking for employee vehicles, the employees park their vehicles in bus parking spaces. Ms. Dargel stated there could be potentially up to thirty one employees and how many parking spaces for employees are there. Mr. Baile replied Mr. Chandler can answer the question as he did not know the answer.

Mr. Stern stated he was informed that there was an axle on site and then asked if any heavy duty repairs were being done on site. Mr. Baile replied no; but, there is an axle, engine block, and a transmission pulled from one of the vehicles. The vehicle is being scrapped and the pulled parts can be sold to an after-market supplier.

Mr. Stern then questioned the seat container in the rear of the building. Mr. Baile replied that large parts are being kept in containers so if a vehicle is being scrapped, National Bus has the ability to pull the seats out of the coach to sell after-market. Larger heavy items are stored outside in the seat container instead of the building as part of the safety process. National Bus does not want employees to reach high up on a shelf and risk injury. Mr. Stern noted that the seat container will have to be identified in the site plan as a permanent structure.

Mr. Stern asked Mr. Baile to show the Board the detached garage which pre-dates the current building. Mr. Baile stated that they have already started to do some remediation to the building and new garage doors are going on the building now. When weather permits an overgrown tree will be removed, as well as repairs made to the roof and in addition, the garage will be painted. Mr. Overman asked if National Bus has leased the garage. Mr. Baile responded no, it is the Wright Family's garage and they will be making the aforementioned repairs to make it aesthetically pleasing. Ms. Dargel asked Mr. Stern if the garage is part of the same lot. Mr. Stern replied yes and the Planning Board allowed it to remain back in 1992. Mr. Baile stated that there will be no National Express employees utilizing the garage. Ms. Dargel asked if it is part of the site-plan but, not part of the lease. Mr. Baile replied yes.

Mr. Denisiuk asked Mr. Baile if he could talk more about the existing office space in the building and if it is an open space. Mr. Baile replied the building does not have walls and is an open space. In addition, the space is currently not proposed to be an ADA accessible space but, it can be modified if required.

Mr. Stern asked if there is a reason why National Express Bus did not just do a building addition. Mr. Baile replied that National Bus does not own the building. Mr. Stern then asked, so the proposed office space would be temporary. Mr. Baile responded that it is the hope of National Bus to have a long term relationship with the Wright family. Mr. Stern stated that National Bus is proposing this as a permanent structure as a building addition even though it is a mobile unit that will be parked permanently. Mr. Baile replied during National Express Bus occupancy, yes. Ms. Dargel asked what the length of the lease is. Mr. Baile replied five years.

Ms. Houtz stated in reference to the buses on the lot, pictures show two buses located on Howard Place. Ms. Houtz noted she frequently sees buses lined up on Howard Place and does National Bus consider Howard Place a parking spot for its buses?

Mr. Baile responded that National Bus no longer parks on Howard Place and the process has changed regarding that issues as of six weeks ago.

Ms. Houtz asked if the buses are parked there over-night and were there gates to prevent the public from entering the site. Mr. Baile responded no parking occurs overnight and there is a coded lock on the gates

that only the drivers have access to. Ms. Houtz then asked if there were security cameras on site. Mr. Baile responded yes. Ms. Houtz asked are cameras working on the building. Mr. Baile replied yes the cameras are working.

Mr. Stern noted he saw many vehicles parked on Howard Place and was it common for employees to park on Howard Place. He observed what appeared to be an employee coming out of the site at lunch time and get into their car parked on Howard Place. Mr. Baile replied no and he would discourage employees to do so.

Ms. Robortaccio asked Mr. Baile if he was at the site every day. Mr. Baile replied he was not at site every day, only when his boss requires him to be there and that he relies on his General Manager to update him with the operations of the site.

Mr. Stern asked Mr. Baile to provide the dimensions of the mobile trailer. Mr. Baile replied that Mr. Chandler would address that question but, did note that there will be two offices with doors that can close along with a restroom and a common area.

Dr. Kennedy asked if the proposed restroom would be tied into the septic system. Mr. Baile replied Mr. Chandler would speak about the septic system, but yes, the restroom will tie into the septic.

*Ms. Dargel opened questions to public - no one stepped forward.*

Mr. Blount called up Peter Chandler of Suburban Consulting to microphone and Ms. Dargel swore in Mr. Chandler. Mr. Chandler resides at 11 Green Hill Road, Chester, NJ.

Mr. Blount asked Mr. Chandler to inform the board of his educational back-ground, Mr. Blount stated that he has his BA in Civil Engineering from NJIT and graduated in 1999. In addition, he is currently a licensed Civil Engineer in NJ and has been since 2001.

Mr. Chandler proceeded to provide an overview of the project and what is being proposed from an engineering standpoint.

Mr. Chandler stated the applicant is a charter bus company formally known as Aristocrat Bus Company operating in Roxbury Township for twenty five years. The site is known as Block 8901, Lot 11 and located in the OR5 zone which is an office/research zone. The site has frontage along Howard Place which is a private road. There is a 10,600 sq. ft. office and storage maintenance garage, and tens demarcated parking spaces on-site and the spaces are to the south of building. A previously amended site plan approval in 1992 allowed for development as shown with twenty six land-banked parking spaces in addition to the ten spaces previously mentioned. The applicant is proposing to install a 56 x 12 mobile office trailer on the east side of the existing building along with a 10 x 10 trash enclosure adjacent to the existing trash enclosure. Eleven exterior bus parking spaces sized 45 ft. x 10 ft. are demarked on the existing pavement. All other improvements that are proposed are to be land-banked (additional parking, lighting and landscaping).

Mr. Overman asked what land-banked meant. Mr. Chandler replied as a requirement of the Township ordinance the applicant has to show that the site can accommodate the improvements but they are not proposed to be constructed because the sites operations do not warrant them currently. So the applicant has to come before the board and show that it will fit on the site. It can be constructed theoretically but, the applicant has the option to say if it is something they do not want to construct at the present time. Mr. Chandler also noted that as part of the 1992 resolution approval twenty-six of the thirty-six approved parking spaces are land-banked.

Mr. Chandler continued his testimony stating that the proposed office trailer adjacent to the building will be placed on existing concrete and that no soil will be disturbed with this application. The site is currently serviced with a private well located in the front yard between the building and Howard Place. In addition, it has a septic system across from the southeast corner of the building that extends down to disposal field further to the east on the property. The site is serviced via a storm-water basin on the adjacent property to the south which is Lot 12 and is adjacent to Howard Place. All systems were put in place with original approval.

Mr. Denisiuk asked if Mr. Chandler would address modular office and the proposed utilities in the office. Mr. Chandler replied the proposed office space would be serviced via existing utilities on-site including water, septic, electric and communications. They will be connected to the service lines in the building already functioning with the exception of a sanitary lateral which would extend between the new office space and connecting to the lateral upstream where the septic tank is now.

Mr. Overman asked if the existing septic can accommodate the additional use. Mr. Chandler replied; yes and he has communicated with the Roxbury Township Health Office who confirmed the septic is a currently licensed and operating system.

Mr. Denisiuk asked if the proposed building is raised off the ground. Mr. Chandler responded yes. Mr. Denisiuk then asked would the utilities be seen penetrating through the proposed building and Mr. Chandler replied there would be a skirt around the bottom for aesthetics.

Ms. Robortaccio asked how far the land-banked parking was from septic field. Mr. Chandler replied the eastern most proposed parking space is approximately 205ft from disposal field.

Ms. Houtz asked Mr. Chandler what is the length of a bus. Mr. Chandler responded 40 ft. 6 in. long by 9 feet wide and the proposed bus parking spaces are 45 ft. by 10 ft., noting the buses can easily be accommodated.

Mr. Fuery asked if the proposed modular building is a temporary or a permanent structure. Mr. Chandler responded that it would be evaluated by the applicant. National Express Bus's intention is to keep it on site as long as it serves a purpose in the business operations. Mr. Fuery asked who was taking jurisdiction of the architectural plans and building plans. Mr. Chandler replied it would have to be submitted to the Township for building permits through the Construction Department where the building code official and fire official would have to approve it before any building permits could be issued. Mr. Fuery then asked is it a permanent structure or a temporary structure. Mr. Chandler responded that it is National Express's intention to use it as long as there is a lease agreement.

Ms. Dargel asked Mr. Baile to return to the microphone for more questions and reminded him he is still under oath.

Mr. Baile testified that National Express would consider the proposed trailer a permanent feature on the property that they lease, whether the landlord would consider it permanent or not he was not sure. Mr. Baile noted he would take the modular office space if National Express Bus vacated the premises. Ms. Robortaccio asked would just the contents of the office space be removed or would the structure itself be removed. Mr. Baile replied a possible negotiation could be made if the lease ended where National Express perhaps would leave the structure on site, but would not burden the Wrights with the structure if it impeded on them. Mr. Stern stated the structure ceases its existence with the termination of your lease. Mr. Baile stated yes the modular office space would be the property of National Express Bus and not the Wrights. Mr. Baile stated that similar to the office the buses would be taken if the lease ended as well.



Ms. Houtz asked since National Bus does not own the land do the Wrights need to be here to sign-off on the modular structure. Mr. Stern replied he assumed the Wrights were signatures of the initial Zoning Board Application. It was confirmed by Ms. Dargel that indeed the Wrights signature were on the application.

Mr. D'Amato spoke to the fact that mobile trailers are typically leased long term and when the lease ends the mobile trailer rental company comes and pick it up. In addition, they can have septic built in, portable water built in. Mr. Stern stated that having built in septic and portable water is not permitted by code it has to be tied into the utilities. Mr. D'Amato agreed and stated it is a temporary structure being used permanently and it should not remain on the property once the tenant leaves.

Mr. Baile commented in the immediate neighborhood there are other facilities using same type of temporary modular space.

Mr. Chandler continued testimony and referred to report dated January 10, 2020 authored by Mr. Denisiuk to start responded to key issues.

Mr. Chandler addressed #2 on page two regarding proposing twelve buses parked inside building for a total of twenty three buses including the eleven existing outside.

Ms. Dargel asked how many bus spaces and how many car spaces are you proposing. Mr. Chandler responded ten car spaces combined with the previous twenty-six from previous approval plus an additional three for a total of thirty nine total spaces. Mr. Chandler further stated that National Express is proposing to park twelve buses to be parked inside the building. There are eleven spaces demarked out on the existing pavement for a total of twenty three bus spaces. There are ten existing passenger car spaces on the site and that is being combined with the previous twenty six land banked spaces from the previous approval and they are adding three more to the deferred total for an overall total of thirty-nine passenger car spaces, twenty-nine of which are deferred.

Mr. Chandler reiterated that they are asking for no more improvements other than the modular trailer space and the new trash enclosure.

Mr. Denisiuk asked to be provided an interior parking plan. Mr. Chandler agreed to provide one.

Mr. Denisiuk further asked about the bathroom area and desk space in the existing building. Mr. Chandler explained the bathroom and desk area are the reason why the applicant is seeking a modular trailer. It gets very loud when maintenance is being done on the vehicles and makes it difficult to communicate.

Ms. Robortaccio asked about the bathroom in the existing building. Mr. Chandler replied it is 4 ft. x 8.5 ft. Ms. Robortaccio then asked if it is handicap compliant. Mr. Chandler did not know. Mr. Baile stepped forward and stated the bathroom was not handicap compliant but in the proposed modular trailer ramps could be provided to comply with ADA laws and in addition the bathroom located in the existing build can be modified to be ADA compliant as well.

Mr. Denisiuk asked with the bathroom at its current location inside of the existing building, can you still fit two buses side by side. Mr. Chandler replied the parking plan to be provided to Mr. Denisiuk will provide that information.

Mr. Denisiuk noted it was important for the Board to consider that the plans shows twenty-nine deferred parking spaces and asked them to consider what the number is for overcrowding. In addition, should the deferred parking spaces be deferred or should they be built now? Mr. Denisiuk brought up the fact that Mr. Chandler's testimony stated there could be thirty employees on-site at any one time and there are only ten parking spaces for employees.

Mr. Chandler went on to address page 3 section 13-8 as it pertains to the drive aisles being a minimum of 24 ft., on the plan the applicant is showing the drive aisles to the north and to the south of the building being reduced to 22 ft. to accommodate the parked buses. In addition, turning templates have been added for passenger vehicles and buses to show it can accommodate those movements.

Mr. Chandler further addressed the conflict given with the bathroom space is largely attributed to the bathroom being drawn to large on the plan and once it is appropriately sized it should be a non-issue.

Mr. Chandler spoke to the access drive and that it shall be located at least 10 ft. from any side or rear property line. In addition, parking spaces along the southern property line, the applicant is showing the differed parking to the east of the existing parking as a continuation of the southern-most curb line and they would to keep everything linear.

Curb pedestrian sidewalks not less than 6 ft. wide shall be provided along the length of any building wall that contains public entrance or exit ways as currently show, pavement extends to the building. National Express Bus does not elicit any public customers. The site is purely related to operational staff of facility. Mr. Chandler felt it was justification for waiver request.

One off-street loading space of 50 x 60 ft. is required. There is no loading space proposed. The existing operations may include sporadic delivery of parts as needed, usually delivered by automotive shops via a single axle van. There is no routine delivery of anything, only the pick-up of recycling materials such as barrels of oil or DEF and to replenish such materials. Ms. Dargel asked how often the delivery companies come to the site. Mr. Chandler replied that Mr. Baile would be better suited to answer the question.

Mr. Overman asked about the pavement extending right up to building. He wondered if there were any safety issues with vehicles hitting the building and why the building had no barriers. Buses travel at slow speed, Mr. Chandler replied and the building is a steel structure and he did not believe there are any excessive hazardous conditions on-site.

Mr. Chandler continued with testimony about the light intensity shall not exceed .3 foot candles or any property line greater than 0.5 foot candles are proposed along the southern property line. We are proposing light fixtures along the southern property line but it would be a land banked feature. Mr. Chandler looked into the Illumination Engineering Society's criteria as it regulates site lighting and they recommended a minimum of 0.5 foot candles in any safety area where cars would interact with pedestrian traffic. We believe waiver request is justified.

Ms. Dargel asked Mr. Denisiuk and Mr. Stern if the minimum is 0.3 for a foot candle. Mr. Denisiuk replied 0.3 is from the property line. Mr. Stern remarked that the light is being proposed at twenty feet and the standard is eighteen feet. Mr. Stern then asked if it is an exposed concrete base. Mr. Chandler replied yes, and that he would revise the mounting height to comply with the town standard.

Mr. Stern asked if the light was going to be mounted on top of the retaining wall and how high was the retaining wall. Mr. Chandler responded yes and the retaining wall at its highest point is seven feet and at its lowest point is five feet and the location where the light is five feet.

Dr. Kennedy asked in regards to land banked items; when the Board takes its vote to approve or deny the variance, are they going to know exactly what is going to be built.

Mr. Wiener responded there should be a definitive plan but, it's a recognition that you do not want to overbuild parking if necessary which is often an applicant's argument in case like this. Dr. Kennedy then asked are we voting for all land banked proposals. Mr. Weiner responded that you will be voting for deferred parking and what you also have done is planned for future for applicants, possibly with a different use to be able to have much more conforming parking because it is in the plan.

Ms. Dargel then followed up with you have to vote based on all land banked items will be built in the future.

Mr. Chandler continued his testimony regarding free standing lights. They shall be located at a minimum of 2.5 feet from the edge of curb and light by the retaining wall is within the parking stall and should be relocated. No portion of the light will extend inside the curb and that was another reason we proposed to put the light on the retaining wall so, should car roll forward instead of hitting the light pole it will hit the light base.

Mr. Denisiuk replied he thought the proposed idea was reasonable, unless you think there is a way around it by adding two light posts.

Mr. Chandler replied there is not a lot property to work with between the property-line and curb so we thought it was justified to ask for the waiver request. Mr. Denisiuk stated the drawing looks like the base is in the stone. Mr. Chandler replied if that is the case then we will revise it and the face of the pedestal will not extend beyond the curb.

Ms. Dargel asked Mr. Stern and Mr. Denisiuk if they could comment on the two way traffic aisles. Mr. Denisiuk replied that the original plan had 10 feet wide traffic aisles with the bus parking. They have since moved the bus parking, the ordinance requires 24 feet so if a car is backing out of the car stall it may be ok but, if a large pick-up truck is backing out it may be tight and would require extra movement. Mr. Denisiuk then asked if there is any way the applicant can make it 24 feet.

Mr. Chandler spoke to the driveway widths between the passenger spaces on the south property and the proposed parking spaces. The applicant was asked to provide 6 foot clearance between the bus spaces and the building walls. The applicant was only able to get 22 feet, and plan shows a turning pin point that accommodates that per a passenger vehicle.

Ms. Dargel asked Mr. Chandler if he was requesting a waiver of 6 feet. Mr. Chandler replied he is requesting a waiver from having to install common sidewalks. Ms. Dargel replied because there are no demarcations you will end up parking the buses almost up against the building. Mr. Chandler stated the bus spaces will be striped. Ms. Dargel replied Mr. Chandler stated because he has the 6 feet he could not do the 24 feet. Mr. Chandler agreed. Ms. Dargel replied but you are not using the 6 feet. Mr. Chandler responded he had to provide one or the other and he could have gone 5 feet 23 inches on each side. Instead he chose the clearance from the building and provided a little less of a drive through aisle. He also stated there will be no outside customers coming to the facility so it seemed like the way to go. Ms. Dargel replied if you are not using the 6 feet for the sidewalk, why can't you do the 24 feet? You are losing 6 feet. Mr. Chandler stated if you want us to move the parking spaces 2 feet closer to the building we could. We could accommodate that on the southern side of the building and get 24 feet, but on the northern side we made it as large as it can get.

Mr. Stern commented that it is cramped in and in the 1992 approval it was never approved to park several buses outside, buses were to be parked in the building with the exception of one bus to be parked along the rear parking elevation. Buses have to back into the property from Howard Place and this property was not approved as a bus depot.

Mr. Denisiuk stated area is very tight and that the buses should not be any closer to building than 6 feet that leaves 22 feet and it is Ok for cars to back-up but large pick-up trucks will have difficulty.

Ms. Houtz asked about the way a bus pulls into lot. She noted that through testimony presented at the current meeting it describes how a bus backs into the site and not frontward. Ms. Dargel asked that the question be tabled until they hear site circulation testimony from the Planner.

Mr. Chandler continued testimony and stated that no fence or wall shall exceed 6 feet in height within the side or rear yards. Southern property line to the south of the land bank parking due to grade differences and in order to comply with the ordinances we need to show what would need to be built. With the grade differences we would need to build a retaining wall. The wall would reach a maximum height of 7 feet and not the 6 foot requirement. The applicant proposed to add a safety fence as per the engineer's request and reminded the board that the retaining wall is a land banked feature.

Mr. Denisiuk stated he had no problem with extra foot on the retaining wall.

Mr. Stern asked what type of fence will be installed. Mr. Chandler replied a 4 foot black chain link fence.

Mr. Blount wanted to clarify the location of the axle (previously discussed) and that its location is not on the Wright's property it is on the property of the adjacent lot.

Ms. Dargel stated that it is the Board's request that the applicant provide an interior layout of the current building. Mr. Chandler confirmed he will provide the requested document.

**OLD BUSINESS:**

Memorandum for Ms. Hubbard, Esq. dated 12/11/2019

**NEW BUSINESS:**

**OPEN TO THE PUBLIC:**

\*No discussion of any pending application.

***Motion to adjourn this meeting was made at 9:31pm***

***Motion to go into executive session made at 9:40 pm***