

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - JANUARY 19, 2010

CALL TO ORDER

John Meyer called this meeting to order.

NOTICE REQUIREMENT

Mr. Meyer read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: John Meyer, Curtis Stollen, Leo Servis, Dan Auciello, Charles McCook, John Vento, Ted Ricci, James Kinneally, Esq., and Bruce M. Koch, P.P., P.E.

absent: Sandra Kerwin, Jean Gretch, Mayor Thomas Barlow, and Maureen Barlow

REORGANIZATION

Chairman: Mr. Servis motioned to reappoint John Meyer as Chairman, seconded by Mr. Ricci. There were no further nominations and Mr. Meyer was appointed unanimously.

Vice-Chairman: Mr. Servis motioned to reappoint Ted Ricci as Vice-Chairman, seconded by Mr. Meyer. There were no further nominations and Mr. Ricci was appointed unanimously.

Secretary: Mr. Stollen motioned to reappoint Susan Milko as Board Secretary, seconded by Mr. Servis. There were no further nominations and Mrs. Milko was appointed unanimously.

Engineer: Mr. Stollen motioned to reappoint Bruce Koch of CME Associates as Board Engineer, seconded by Mr. Servis. There were no further nominations and Mr. Koch was appointed unanimously.

Attorney: Mr. Vento motioned to reappoint James Kinneally as Board Attorney, seconded by Mr. Stollen. There were no further nominations and Mr. Kinneally was appointed unanimously.

APPLICATION

**James & Rachel O'Connor
Block 38 Lot 1
259 Brunswick Avenue**

This is an application for a use variance and Mr. Stollen has abstained.

Rima Elbert, Esq., represents the applicants. She advised that James O'Connor is the stepson of the owner of the home, Alan Crowe. The home has been owned by Mr. Crowe since 1983. He has been diagnosed with cancer. Mr. & Mrs. Crowe will be in need of physical and financial assistance. She added that Mr. & Mrs. O'Connor would like to demolish the existing home and build a two family dwelling on the property. The O'Connors' portion of the dwelling will consist of four bedrooms, 2 ½ bathrooms, kitchen, living room, and basement. The Crowes' portion of the dwelling will consist of one bedroom, one bathroom, a kitchen and living room.

Ms. Elbert advised that the applicants are willing to a deed restriction that would require the property be converted to a single family dwelling upon its sale and the removal of the kitchen.

Beth Strom (sp?), 25 Carson Avenue, Metuchen, NJ. (sworn in), is the applicant's planner. She was accepted as an expert by the Board. She presented exhibits that were marked A1 through A4. She discussed the applicants' plans to demolish the existing dwelling, and the construction of the two family home. The property is buffered by many existing trees and fencing on the adjacent property. She added that the lot coverage will increase from 5.1% to 12.8%, but well within the 20% permitted. The total square footage of the proposed residence is 2,189.

Ms. Strom discussed the reasons she felt the use variance should be granted. In the R10 zone, community residences are permitted for persons with disabilities as well as home occupations where child care residences can be built. She added that there is no zone in the Borough that would allow elder care/cottage opportunities.

Ms. Strom advised that the property square footage is 26,972, 2.7 times the average for the area, most being 10,000 sq. ft. She added that the subject property could be subdivided, but

felt that the construction of two homes would be a more intensive development than what is proposed.

Ms. Strom stated there is no substantial detriment to the public good or impairment of the zone plan and felt the granting of the use variance was justifiable.

Mr. McCook questioned what will become of the second dwelling when the need for it is no longer there. Mr. O'Connor (sworn in) stated that he will dismantle it. Utilities will all be incorporated into the main dwelling. There will be separate entrances to both dwellings.

Mr. Koch's January 11, 2010 report was discussed. David Gunia (sworn in) is the builder/dealer of the applicant's proposed modular dwelling. Mr. Koch questioned the panelized garage. Mr. Gunia stated that the factory will manufacture the wall sections of the garage. The garage will be sided to match the home and will be installed by Mr. Gunia. The breezeway will be constructed on site.

The applicant submitted a deed of easement to the Board attorney this evening.

Ms. Elbert advised that the existing dwelling will be demolished once the new home is constructed. Mr. Koch raised concerns with the installation of utilities. He suggested new utilities be run from Marlee Drive and the existing ones be abandoned.

Alan Crowe (sp?) (sworn in) gave testimony. He stated that he has lived in the home for over 25 years and it was 40 years old when he bought it.

The applicant will repair/replace any damaged sidewalk or curbing that results from construction.

The attic of the proposed dwelling will have a pull down stairway.

The applicant will be proposing a walkway/entrance to the additional unit.

The applicant agreed with the remainder of the report.

The applicant will be given 90 days to complete the razing of the existing structure and the construction of the new garage once the new home has been finished.

There was no public comment.

A motion to approve the application was made by Mr. McCook with the deed restriction previously discussed and the conditions proposed and accepted. The motion was seconded by Mr. Ricci, and all agreed.

MINUTES - December 8, 2009

These minutes were approved with a motion from Mr. Servis, seconded by Mr. Vento and all eligible voters agreed.

VOUCHERS

Bills were paid with a motion from Mr. Servis, seconded by Mr. Auciello, and all agreed.

OTHER BUSINESS

The Board congratulated Mr. Servis on his reappointment to the Board.

Mr. Servis advised that the new proposed master plan will be presented to the Board in the near future.

The Dimitrakopolous application will be required to give new public notice when they are prepared to return before the Board. The application is currently scheduled for February 2, 2010; however, the applicant has asked to be carried to March 2, 2010.

Mr. Servis inquired and was advised that as an abstaining Board member to an application, the Board member is considered a member of the public and may be permitted to ask questions of the applicant. Opinions should not be given.

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ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - MARCH 2, 2010

CALL TO ORDER

John Meyer called this meeting to order.

NOTICE REQUIREMENT

Mr. Meyer read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: John Meyer, Curtis Stollen, Sandra Kerwin, Leo Servis, Ted Ricci, James Kinneally, Esq.,

absent: Mayor Thomas Barlow, Dan Auciello, Charles McCook, Jean Gretch, Maureen Barlow, John Vento and Bruce M. Koch, P.P., P.E.

NOTE: Mr. McCook and Mayor Barlow attended just after roll call.

APPLICATION

James Cranga
35 River Street
Block 10.02 Lot 33

Mr. Cranga (sworn in) gave testimony. Mr. Cranga is seeking to construct a one story addition to his home that will extend 20'. There was no public comment. Mr. Stollen confirmed with Mr. Mashanski that there were no lot coverage issues.

Mr. Ricci motioned to approve the application, seconded by Mrs. Kerwin and all agreed.

MINUTES - January 19, 2010

The Board secretary observed a "senior moment" and neglected to include these minutes in the Board members' packets.

VOUCHERS

Bills were paid with a motion from Mr. Servis, seconded by Mr. Auciello, and all agreed.

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MEMORIALIZATION

**James & Rachel O'Connor
Block 38 Lot 1
259 Brunswick Avenue**

The resolution was circulated and a motion to approve was made by Mr. Ricci, seconded by Mr. Servis, and all eligible members agreed.

ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - MARCH 16, 2010

CALL TO ORDER

John Meyer called this meeting to order.

NOTICE REQUIREMENT

Mr. Meyer read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: John Meyer, Mayor Thomas Barlow, Curtis Stollen, Sandra Kerwin, Charles McCook, Leo Servis, James Kinneally, Esq., and Bruce M. Koch, P.P., P.E.

absent: Dan Auciello, Jean Gretch, Maureen Barlow, John Vento, Ted Ricci

NOTE: The Board welcomed new member Anthony Meola.

APPLICATIONS

There were no applications before the Board this evening.

MINUTES - January 19, 2010 and March 2, 2010

The minutes of January 19, 2010 were approved with a motion from Mr. Servis, seconded by Mrs. Kerwin and all eligible voters agreed. The minutes of March 2, 2010 were approved with a motion from Mr. Stollen, seconded by Mr. Servis and all eligible voters agreed.

VOUCHERS

Bills were paid with a motion from Mayor Barlow, seconded by Mr. Servis, and all agreed.

MEMORIALIZATION

James Cranga
35 River Street
Block 10.02 Lot 33

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The resolution was circulated and all eligible members approved the resolution.

OTHER BUSINESS

Master Plan Review

Paul Gleitz, P.P. at Heyer, Gruel & Associates presented the draft "Smart Grown Plan" that was prepared for the Borough pursuant to a State grant the Borough received. Mr. Gleitz discussed the contents of the report at length and entertained comments from the public and received Board input. He advised that the draft before the Board this evening contains input from several public forums and specific group meetings wherein suggestions were made for inclusion in the proposal. Mr. Gleitz advised that he will utilize the discussions held this evening to prepare a finalized version to be prepared for Board recommendation of adoption to the Borough Council. A public hearing will be held at that time as well.

ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - MAY 4, 2010

CALL TO ORDER

John Meyer called this meeting to order.

NOTICE REQUIREMENT

Mr. Meyer read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: John Meyer, Curtis Stollen, Dan Auciello, John Vento, Ted Ricci, Anthony Meola, and James Kinneally, Esq.

absent: Mayor Thomas Barlow, Sandra Kerwin, Leo Servis, Charles McCook, Jean Gretch, Maureen Barlow, and Bruce M. Koch, P.F., P.E.

APPLICATION

Daniel Dougert
Block 11 Lot 24
46 South Street

Mr. Dougert (sworn in) gave testimony. Mr. Dougert is seeking to construct a 20' x 20' addition to the rear of his home. The home pre-exists nonconforming and the addition will not further encroach. The home is a one story construction and the addition will be no higher than the existing dwelling. There was no public comment. A motion to approve the application was made by Mr. Ricci, seconded by Mr. Vento and all agreed.

MINUTES - March 16, 2010

These minutes were approved with a motion from Mr. Stollen, seconded by Mr. Meyer, and all eligible voters agreed.

VOUCHERS

Bills were paid with a motion from Mr. Stollen, seconded by Mr. Auciello, and all agreed.

OTHER BUSINESS

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Perry's Automotive

The Board received a request from CME Associates to determine whether some County required roadway dedication adjustments to the approved site plan can be handled administratively by CME, or, need to be reviewed as an amended site plan application. Ted Ricci is the only existing Board member who approved this application. Mr. Ricci does not feel there is a need to require the applicant to file an amended site plan application. The Board did not disagree with Mr. Ricci, however, since no one else was familiar with the application, at the next meeting, the Board will review the plan as revised in order to make a determination.

ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - MAY 18, 2010

CALL TO ORDER

John Meyer called this meeting to order.

NOTICE REQUIREMENT

Mr. Meyer read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: John Meyer, Curtis Stollen, Sandra Kerwin, Leo Servis, Charles McCook, and James Kinneally, Esq.

absent: Mayor Thomas Barlow, Dan Auciello, Jean Gretch, Maureen Barlow, John Vento, Ted Ricci, Anthony Meola, and Bruce M. Koch, P.P., P.E.

APPLICATION

There were no applications before the Board this evening.

MINUTES - May 4, 2010

These minutes were approved with a motion from Mr. Stollen, seconded by Mr. Meyer, and all eligible voters agreed.

VOUCHERS

Bills were paid with a motion from Mr. Servis, seconded by Mrs. Kerwin, and all agreed.

MEMORIALIZATION

Daniel Dougert
Block 11 Lot 24
46 South Street

The above resolution was circulated and approved by all eligible Board members.

OTHER BUSINESS

Perry's Automotive

The Board received a request from CME Associates to determine whether some County required roadway dedication adjustments to the approved site plan can be handled administratively by CME, or, need to be reviewed as an amended site plan application. The Board reviewed the submitted revised plan this evening and unanimously determined that the changes would not require the applicant to return before the Board. CME will be advised.

ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - JULY 6, 2010

CALL TO ORDER

Ted Ricci called this meeting to order.

NOTICE REQUIREMENT

Mr. Ricci read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: Curtis Stollen, Sandra Kerwin, Leo Servis, Charles McCook, Ted Ricci, Bruce Koch, P.P., P.E., and James Kinneally, Esq.

absent: John Meyer, Mayor Thomas Barlow, Dan Auciello, Jean Gretch, Maureen Barlow, John Vento, and Anthony Meola

APPLICATION

Kathleen M. Doherty
Block 111.12 Lot 2
20 Herman Drive

Ms. Doherty and Michael Carr, P.E. were both sworn in. Mr. Carr was accepted as an expert by the Board. Ms. Doherty advised that she is seeking a major subdivision for the creation of two lots on Herman Drive. Mr. Koch advised that major subdivision approval is required due to the lot variances necessary for width and frontage. The applicant is proposing one lot at 92' and the other at 92.19'.

Mr. Carr presented Exhibit A-1 which was a radius map of the area surrounding the subject property. He advised that the subdivision will create one lot with an existing structure that will measure 24,493 sq. ft. in area and 227' in depth; and the newly created lot will measure 17,523 sq. ft. in area and 198' in depth.

Mr. Carr discussed the positive and negative criteria for granting the variances necessary for the subdivision. He presented the radius map and discussed the surrounding lot sizes.

Mr. Koch's report was discussed. Mr. Carr has requested that the final major subdivision checklist items be made conditions of approval. The applicant is also seeking waivers for the requirement of a traffic impact statement and an environmental impact statement. Mr. Koch indicated no objection conditioned on the applicant providing a letter of interpretation from the DEP and the work application.

Mr. Carr discussed the requirement for sidewalks and advised that the applicant is seeking a waiver. The Board would like to see sidewalks installed and the applicant agreed.

The applicant agreed with the remainder of the report.

Ms. Doherty advised that she hopes to rehab the existing home and has no plans to develop the newly created lot.

Mr. Stollen questioned what would be the outcome of the subdivision if the DEP determined that the wetlands would preclude a home from being constructed on the new lot. Mr. Koch advised that the subdivision would not be perfected.

Mr. Stollen also questioned the construction of the sidewalks. Mr. Koch stated that both lots would bond for the improvements and once construction began on the lot, the sidewalks would be installed on both lots.

There was no public comment.

A motion to approve preliminary and final subdivision was made by Mr. Stollen conditions upon the following:

- waiver of environmental impact statement;
- waiver of traffic impact statement;
- waiver of 1a and 1b of Mr. Koch's report subject to the applicant agreeing to the conditions listed;
- waiver of sales map requirement;
- Mr. Koch's report is to be made part of the approval;
- granting of lot width and lot frontage variances; and
- the installation of sidewalks and curbing.

A second was made by Mr. McCook, and all agreed.

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July 6, 2010
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**Complete Automotive Repair Services, LLC
Block 91.03 Lots 2.02; 3.03; 5, and 6.01
11 American Way**

There were only four eligible members who could vote on this use variance application. Lawrence Sachs, Esq. represents the applicant. Mr. Sachs opted to return before the Board on August 10, 2010. No further public notice will be required.

MINUTES - May 18, 2010

These minutes were approved with a motion from Mr. Servis, seconded by Mr. McCook, and all eligible voters agreed.

VOUCHERS

Bills were paid with a motion from Mr. Servis, seconded by Mrs. Kerwin, and all agreed.

ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD
PLANNING BOARD MINUTES

August 10, 2010

CALL TO ORDER

Ted Ricci called this meeting to order.

NOTICE REQUIREMENT

Mr. Ricci read the notice requirement for the Open Public Meetings Act.

ROLL CALL

Present: Sandra Kerwin, Leo Servis, Daniel Auciello, Jean Gretch, Ted Ricci, Anthony Meola, Bruce M. Koch, P.P., P.E., James Kinneally, Esq.

Absent: Mayor Thomas Barlow, Maureen Barlow, John Meyer, Council President Curtis Stollen, Charles McCook, John Vento

APPLICATION

Complete Automotive Repair Services, LLC
Block 91.03 Lots 2.02, 3.03, 5 and 6.01
11 American Way

Lawrence Sachs, Esq., represents the applicant in this use variance application. This application was carried from July 6, 2010 and was deemed complete at that time. Applicant Mohamed Elzeini (sworn in) gave testimony. Mr. Elzeini advised that the nature of his business will be the repair and maintenance of vehicles received from new car dealers. Mechanical and autobody repairs will be performed on "overflow" vehicles that the dealerships cannot handle. Six repair bays are proposed and all will have lifts. A prefabricated spray room will be installed and will comply with all State regulations regarding ventilation. Mr. Elzeini stated that the primary focus of their business will be to service car dealerships. He added, however, that he "will not turn away any business." There will be no waiting area for the public. Hours of operation will be from 8:00 a.m. to 6:00 p.m. Monday through Friday, and a half a day on Saturday. Mr. Elzeini stated that he will begin with four employees, the maximum being employed at eight.

All vehicle repairs will be done inside the building. No repair will be conducted outside. All vehicles will be stored inside the building at night. No floor drains are proposed. All fluids will be collected and stored in containers and removed by a separate carrier. All parts will be delivered via box truck. Mr. Elzeini anticipated twice weekly deliveries. A

private contractor will be hired to dispose of auto parts. No parts, tires, etc. will be stored outside.

Mr. Elzeini stated that he will not be advertising his business. He proposes "minimal contact with the public."

When questioned, Mr. Elzeini stated that either the cars will be driven to his business or he will go and pick them up. Occasionally, a tow truck may be utilized.

Michael Intili, P.E., P.P. (sworn in and accepted as an expert) gave testimony. Two colored renderings were marked A-1 and A-2. The site is in the LI Zone. No changes for lighting, landscaping or parking are proposed. Twenty-three parking spaces exist. Three existing bulk variances are required but were part of the initial approval for the site. They are not being expanded in any way. Mr. Intili anticipates that there is more than ample parking available on the site. Mr. Intili discussed the positive and negative criteria and concludes that there will be no detriment to the public good or zone plan. Service stations are not permitted in the LI Zone but Mr. Intili feels the proposed is similar to other uses and particularly suited for the area. Mr. Intili stated that the prior use of this particular site was the fabrication of performance vehicles. Signage will be placed on the door that will comply with the ordinance. No free-standing or A frame signs will be used.

Mr. Elzeini stated that he has no contract established with any car dealer but is confident that they will be given the opportunity to do business with some in the area. That is why he will not say he will turn away public business, but his primary focus will be with the dealerships. A five year lease will be signed with the owner of the property. Mr. Elzeini has an additional business in the industrial park. Mr. Meola expressed concern on the noise level that will be created. A building and the Conrail track buffers the subject property from the nearest residential neighborhood.

Mr. Koch's July 2, 2010 report was discussed. Waivers are requested for items 18, 19, 22 and 23. Garbage will be placed in the outside dumpster, but no auto parts will be put outside. Mr. Koch advised that currently there are 14 cars in the parking spaces reserved for the subject use. He indicated that six of the vehicles are AAA Taxis. Mr. Sachs advised that the AAA Taxi business is located at 10 American Way. Mr. Elzeini stated that as soon as his application is approved and ready for operation, the taxis will find a new location to park. The AAA taxi business is Mr. Elzeini's business. Mr. Elzeini testified that the proposed application before the Board this evening is strictly for the repair business stated previously. AAA Taxi will not be operated out of this location, and the taxicabs will not be stored at this location.

The applicant proposes a gender-neutral lavatory since the applicant does not propose to serve the public.

The appropriate Borough officials will be contacted by the applicant for their input.

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Andrew Mashanski voiced his concern regarding adequate parking and stacking issues. Mr. Sachs stated that even if the six bays contain cars, another ten cars can be stored inside the building.

There was no public comment and a motion to approve was made by Mr. Auciello, seconded by Mr. Meola, and all agreed.

MINUTES – July 6, 2010

These minutes were approved with a motion from Mr. Servis, seconded by Mrs. Kerwin, and all eligible voters agreed.

VOUCHERS

Bills were paid with a motion from Leo Servis, seconded by Mr. Meola and all agreed.

MEMORIALIZATION

Kathleen M. Doherty
Block 111.12 Lot 2
20 Herman Drive

This resolution was circulated before the Board and approved by all eligible Board members.

ADJOURNMENT

There was no further business and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD
PLANNING BOARD MINUTES

September 21, 2010

CALL TO ORDER

John Meyer called this meeting to order.

NOTICE REQUIREMENT

Mr. Meyer read the notice requirement for the Open Public Meetings Act.

ROLL CALL

Present: John Meyer, Council President Curtis Stollen, Leo Servis, Daniel Auciello, Ted Ricci, Anthony Meola, Bruce M. Koch, P.P., P.E., James Kinneally, Esq.

Absent: Mayor Thomas Barlow, Maureen Barlow, Charles McCook, John Vento, Jean Gretch, Sandra Kerwin

APPLICATION

Dart Seasonal Products
Block 91.03 Lot 6
192 Summerhill Road

The application erroneously advertised for tonight's meeting. The Board carried the applicant's notice and this matter has been placed on the October 5, 2010 agenda with no further public notice being required.

MetroPCS New York, LLC
Block 28 Lot 1
Third Street and Kensington Avenue

The Board granted approval for the above referenced applicant to place cellular antennae on the Borough's water tank. A motion was made by Mr. Ricci, seconded by Mr. Servis, and all board members agreed. A complete transcript of this hearing has been made and a copy will be placed in the file for future reference.

MINUTES – August 10, 2010

These minutes were approved with a motion from Mr. Servis, seconded by Mrs. Kerwin, and all eligible voters agreed.

VOUCHERS

Bills were paid with a motion from Leo Servis, seconded by Mr. Meola and all agreed.

MEMORIALIZATION

Complete Automotive Repair Services, LLC
Block 91.03 Lots 2.02, 3.03, 5 and 6.01
11 American Way

This resolution was circulated before the Board and approved by all eligible Board members.

ADJOURNMENT

There was no further business and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - OCTOBER 5, 2010

CALL TO ORDER

Ted Ricci called this meeting to order.

NOTICE REQUIREMENT

Mr. Ricci read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: Council President Curtis Stollen, Sandra Kerwin, Dan Auciello, Jean Gretch, Ted Ricci, Anthony Meola, Bruce Koch, P.P., P.E., and James Kinneally, Esq.

absent: John Meyer, Mayor Thomas Barlow, Charles McCook, Leo Servis, Maureen Barlow, and John Vento

NOTE: Charles McCook attended just after roll call.

APPLICATION

Nuno Gouveia
Block 110.13 Lot 5
76 Elm Street

Mr. Gouveia was present and sworn in. He advised that he is seeking bulk variances for the construction of an addition to his home. The addition will encroach on the side yard and he is seeking a variance to allow it 3'4" from the property line; a variance for an 18' front yard setback where 25' is required; and overall lot coverage of 23% where 20% is permitted. The applicant submitted a proposed sketch of the home with the addition and it was marked A-1.

When asked, Mr. Gouveia indicated that he believed the adjacent house to the proposed 3' setback to be approximately 15' from the property line. It was determined that there will be approximately 18' between the two homes, where 20' is required. The granting of this variance will necessitate the adjacent homeowner to acquire a variance for any future renovation.

It was also determined that the survey of the property was incorrect. An existing driveway begins at the property line and extends wide enough to cover the width of the proposed garage.

The stairway to the upstairs will be built in a portion of the garage space but will be separate from the garage and accessible only from inside the house. There will be no means of accessing the garage from inside the house.

Mr. Koch suggested that the applicant remove the 3' excess driveway that will result when the garage is constructed in order to alleviate some of the impervious coverage and permit water runoff from the roof to be directed down the driveway to the street via curbing on the driveway.

There was no public comment.

A motion to approve this application with the condition of the 3' driveway removal was made by Mr. Auciello, seconded by Mrs. Kerwin and all agreed.

Dart Seasonal Products
Block 91.03 Lot 6
192 Summerhill Road

Mr. Stollen excused himself from this application as it is a use variance application.

Lawrence Sachs, Esq. represents the applicant. He advised that Dart Seasonal Products is the contract purchaser of the subject property. The purpose of the use variance application is to permit an outdoor storage area of raw material and an outdoor storage area for finished product at the rear of the facility.

Barry Wachslar, Vice President of Dart Seasonal Products, was sworn in and gave testimony. He advised that the business offices are located in Woodmere, Long Island, New York. The warehouse is located at 750 Bloomfield Avenue in Clifton, New Jersey. The business has been operating for 16 years. Mr. Wachslar described the business operation. Salt is brought to the facility in bulk, via dump truck. The salt is then brought into the facility via BobCat or frontend loader and packaged into 10, 25, 50 and 80 pound bags. The material is placed on skids, shrink wrapped and delivered. Snow shovels, ice choppers, car brushes, etc., are also offered for sale. No machinery for snow removal is carried. No retail activity will

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be conducted on the site. The product is only sold to retail customers, i.e., Ace Hardware, Home Depot, government agencies, etc. There will also be no other activity on this site other than the salt packaging operation. Mr. Wachsler confirmed that there will be no salt spreaders coming onto the site to be loaded for salt spreading. He did state that they do sell bulk on occasion, but 90% of their business is packaged goods.

Regarding the product, Mr. Wachsler stated that it is not toxic or hazardous, and does not emit any odors or fumes.

Regarding the outdoor storage facilities, Mr. Wachsler stated that the salt will be dumped into outdoor containment areas. It will be kept covered with tarps. He added that the product cannot get wet. It is brought into the facility and packaged as quickly as possible.

Mr. Wachsler advised that he has the appropriate NJPDES permit from New Jersey to operate the facility and has never been cited for any environmental violations by the State.

Hours of operation during the non-peak season of March through August are 8:00 a.m. to 4:00 p.m. During the peak season they will open as early as 7:00 a.m. and will run double shifts of 7:00 a.m. to 3:00 p.m. and from 3:00 p.m. to 10:00 p.m. during periods of heavy storms. Days of operation are Monday through Friday and they do operate on Sundays when necessary. There are currently 10 fulltime employees and they do hire part time employees during the peak season - as many as 10 per shift.

In-bound deliveries of salt are made by dump truck and out-bound deliveries of packaged product are made via open bed tractor trailers or closed vans/trucks. During the off peak season, there could be two or three pickups per day. During the peak season there could be 20 to 30 loads. Mr. Wachsler stated that they do have control regarding the pickup schedule.

When asked, Mr. Wachsler stated that they did purchase the property because of the rail spur, but at this time, there are no plans to utilize it. If the rail line is eventually used, Mr. Wachsler stated that he will schedule its use appropriately.

A dumpster is proposed on the property for trash and will be added to the plan. All recyclables will be kept inside the building for pickup.

Lorelei Totten, P.E., P.P. (sworn in and accepted as an expert witness) gave testimony. Aerial view exhibits were marked as A-1 and A-2. Ms. Totten discussed the site's location and surrounding properties.

Ms. Totten advised that there are no modifications proposed to the site other than some pavement repair. Regarding the outdoor storage facilities, two locations measuring 100' x 150' each are proposed. One is to be located at the southern most end of the building on the eastern side near the bay doors, and the other is proposed to the north of the first, on the same side of the building. No trucks will be parked near the townhouse residents or the single family homes. She added that the closest house to the outdoor storage facility is 300'+ away. Employees will park in an area near the main entrance to the building. Ms. Totten stated that there will be far fewer vehicles kept on site, and far fewer trips to the site, thus creating a much less intense use than the previous Greif Bros.

The existing Greif Bros. sign will be utilized for this site. Small directional signs will be added.

The applicant will agree to a right-of-way easement on the property and will agree to a Title 39 consent should the Police Department desire it. Freehold Soil and County Planning approvals are pending.

The applicant is seeking a partial waiver of the landscape buffer requirement. Ms. Totten advised that there is an existing driveway; however, the applicant would be willing to maintain the existing line of trees.

Ms. Totten discussed the positive and negative criteria required for the justification of the use variance for outside storage. She pointed out the need of the product for public safety and the fact that this is an existing industrial facility. She added that the outside units will be buffered by the residents by existing landscaping the building itself. She also indicated that this will be a less intensive use than was previously there.

Mr. Sachs presented a letter dated September 14, 2010 from Greif Bros., detailing their business operations prior to their closure. The business operated two shifts with overtime; employed approximately 30 full time employees, 5 office employees; 15-17 tractor trailers daily; and parked 70 to 100

trailers behind the building on average. The letter was marked A-3.

Mr. Koch's report was discussed. He recommended that it be made a condition of approval that there will be no retail sales on site and no other uses on the site. The applicant agreed. He discussed a possible landscape easement from the applicant as a means to preserve the existing buffer area. He also suggested a condition be placed that there will be no idling of trucks. Mr. Koch is in receipt of the NJPDES permit for the site. He suggested that the refuse area be kept up against the building and enclosed. The applicant agreed with the remainder of the report.

The applicant will keep the salt pile to be no higher than 20 feet.

Open Public Portion

Donald Borst (sworn in)
91 Janice Drive

Mr. Borst objects to the granting of the outdoor storage variance. He is concerned with the possible vapors and the noise associated with the front end loaders, dump trucks, etc. outside the facility. It was confirmed that the closest residence to the nearest containment area is approximately 380'. The distance from the furthest north point of the building to a residence is approximately 80'. Mr. McCook confirmed that this will be a location area for the packaged goods to be shipped. When questioned, Mr. Wachsler stated that his employees change into work clothes, gloves and masks. He added that they "are not necessary." Regarding the quantity of storage of the finished product outdoors, Mr. Wachsler advised that 40 to 50% of the packaged product is kept indoors for shipping. The finished product is brought outdoors via forklift and the forklifts are equipped with backup beeping devices.

Mr. Wachsler advised that they currently operate at a warehouse located at the end of a complex adjacent to a residential neighborhood in Clifton. He advised that he has dealt with the same concerns in Clifton, and has addressed the issues. The goods that are produced during the evening are kept indoors. Mr. Wachsler stated that they do not operate outdoors after dark. Mr. Sachs stated that there may be an occasion during a winter storm in the peak season that product needs to be shipped

after dark. Mr. Wachslar advised the Board that the operation is "very busy during the winter, no question about it. On the flip side, from the perspective of the neighbors, we are "very, very quiet during the summer."

Mr. Sachs advised that the second shift, when needed, ends at 10:00 p.m. There will be no additional lighting placed on the site.

When questioned how many truck loads are needed to fill the containment area, Mr. Wachslar stated that they "maxed out at 80" truckloads over a series of weeks. He added that the machines were down and could not package the material; however, the trucks kept delivering.

Mr. Borst was advised that there can be no expansion of the proposed business without the applicant returning to the Board for approval.

Mr. Borst questioned whether his property value would be affected.

Matt Fiorillo (sworn in)
123 Janice Drive

Mr. Fiorillo questioned the truck route through the property and Ms. Totten indicated same on the plan. Mr. Fiorillo stated that his backyard is approximately 25' from the driveway exit. The applicant has agreed to a stipulation that the incoming dump trucks will enter and exit along the southern end of the property only, and will not traverse the site. The tractor trailers will have to circulate the site.

Michael Faraher (sp?) (sworn in)
82 Janice Drive

Mr. Faraher suggested that the applicant plant some additional trees to help abate the sound.

Jean Wetzel (sworn in)
107 Janice Drive

Ms. Wetzel expressed concern regarding the buffer area. She advised that the trees are bare in the winter during the applicant's peak season, thus permitting her to view the salt pile.

There was no further public comment.

Mr. Ricci questioned the dust associated with the salt and how it would be contained outside. Mr. Wachslar stated that dust outside is a "non-issue" since the moisture content is 2 - 3%. There is a dust collection system inside the building for the packaging process.

It was determined that the height of the building could not accommodate a dump truck for purposes of containing the product indoors.

The applicant was not amenable to constructing a sound wall on the property. Mr. Sachs pointed out that the previous use of the site was much more intensive than that which is proposed. All activities will also be contained on the southerly side. The applicant would be willing to plant an evergreen line of trees.

When asked, Mr. Sachs advised that the applicant is vacating the Clifton location because the business has outgrown the facility.

The applicant would agree to conduct no outdoor business after 7:00 p.m.

When questioned, Mr. Sachs stated that approximately 15% of the facility is used for the processing of the product and approximately 75% of the facility is used for storage. Material is stored outside for ease of loading flatbed tractor trailers.

Regarding propane storage for the forklifts, canisters will be stored outside in between the office and the high bay area in a gated area. Approximately 5 - 10 are being used, with deliveries approximately every two weeks. Four BobCats are currently in use.

A concrete ramp is located on the southern most containment area. The ramp will be used to bring the product into the building. The product stored in the second containment area will be relocated into the first containment area and then brought into the building.

There was no further discussion. Mr. Meola motioned to deny the application because the zone is light industrial; the trucks, the outside salt, and the transferring of the salt will be

noisy; the use is beyond that of light industrial; there are too many issues up in the air; and it is not right for the residents. A second was made by Mr. Auciello.

Mr. Sachs requested an adjournment at this time.

Upon return, Mr. Sachs requested that the Board carry the meeting. He requested that the motion be withdrawn and he would like to poll the Board on any suggestions they might have that the applicant could address and return to the next meeting. He also suggested that the missing Board members may also be available for the next meeting.

Mr. Meola was unwilling to withdraw his motion. Mr. Sachs again asked that the meeting be carried. Mr. Kinneally voiced his concern that there are not seven eligible voters. He said that case law suggests that the applicant be given the opportunity of a full Board. He recommended that the meeting be adjourned and the missing members be given the opportunity to listen to the recording of this meeting. The next meeting will begin with the motion and second at the beginning of the hearing. Mr. Meola agreed.

This matter will continue on October 19, 2010 at 8:00 p.m. No additional public notice will be given.

MINUTES - September 21, 2010

These minutes were approved with a motion from Mr. Stollen, seconded by Mrs. Kerwin, and all eligible voters agreed.

VOUCHERS

Bills were paid with a motion from Mrs. Kerwin, seconded by Mr. Meola, and all agreed.

MEMORIALIZATION

**MetroPCS New York, LLC
Block 28 Lot 1
Third Street and Kensington Avenue**

The above resolution was circulated and approved by all eligible voting members.

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October 5, 2010

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ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD
PLANNING BOARD MINUTES

October 19, 2010

CALL TO ORDER

Ted Ricci called this meeting to order.

NOTICE REQUIREMENT

Mr. Ricci read the notice requirement for the Open Public Meetings Act.

ROLL CALL

Present: John Meyer, Council President Curtis Stollen, Sandra Kerwin
Leo Servis, Daniel Auciello, Charles McCook, Ted Ricci, Anthony Meola,
Bruce M. Koch, P.P., P.E., James Kinneally, Esq.

Absent: Mayor Thomas Barlow, Maureen Barlow, John Vento, Jean Gretch,

APPLICATION

Dart Seasonal Products
Block 91.03 Lot 6
192 Summerhill Road

Mr. Stollen excused himself from this application as he is a member of the Borough Council. This matter has been continued from October 5, 2010. The matter was previously adjourned with a motion to deny from Mr. Meola and a second from Mr. Auciello left undecided. Tonight, Mr. Meola advised that he wished to continue with his motion to deny; however, Mr. Auciello withdrew the second to the motion and indicated that he would prefer to hear the new testimony being offered by the applicant this evening. Mr. Meola opted to continue with his motion but a second was not made. Therefore, the motion to deny would not be carried to a vote.

The applicant's attorney, Lawrence Sachs, discussed the concerns raised by the Board at the last meeting, i.e., noise, hours of operation and aesthetics of the rear yard.

Mr. Edward Potenta (sworn in and accepted as an expert) testified on behalf of noise at the site. He presented a report dated October 19, 2010. Mr. Potenta discussed the different types of equipment used at the facility and the noise levels associated with them, indicating that none of them would exceed the accepted noise levels. He also testified that "impulse noises" such as the truck bed banging, would also fall with the State standards set for such noises. He, therefore, does not recommend any noise abatement measures be taken.

Lorelei Totten (previously sworn), the applicant's engineer, presented additional testimony. A use variance plan was marked A-4. Ms. Totten advised that the applicant is proposing to construct a 12' wide evergreen planting at the northerly side of the second stock pile. In addition, between the stockpile and the planting bed, install a 15' high chain link fence with mesh installed in between the slats.

Mr. Sachs presented a letter from Greif Bros. dated October 12, 2010. It was marked A-5. Mr. Sachs read the letter into the letter. It discussed the rear yard of the site.

Mr. Sachs discussed prior conditions the applicant agreed to at the last hearing. The dumpster area will be kept at the southern end of the site. The propane tanks will be kept at the southerly loading docks. The delivery trucks for the raw material and dumpster will enter along American Way at the southern access to the site and will exit at the same entrance. They will not circulate around the building. No yard activity, i.e., front end loaders, bobcats, delivery trucks, etc. will take place after 7:00 p.m. Forklift operations will continue until 9:00 p.m.

Open Public Portion

Donald Borst
91 Janice Drive

Mr. Borst (previously sworn) questioned the testing done at the site. Mr. Potenta advised that he utilized test data that he had collected from other studies of similar type vehicles and equipment. He discussed the different types of noises and whether they were considered impulse noises. Mr. Potenta advised that even if the impulse noises were considered constant noises, they would still comply with the State standards at the property line. Mr. Borst stated that he did not believe it was in the best interest of the residential homeowners for the applicant to operate an outside facility.

Ida Kulla
199 Janice Drive

Ms. Kulla (sworn in) discussed the hours of operation. She did not believe Sunday operations should be permitted. She advised that they will still be able to hear noise inside her home in the winter months. She also questioned the weight of a fully loaded dump truck. She was advised that the trucks have to meet the State weight requirements in order to travel on the roadways. She was also advised that Sunday operations would not begin until 9:00 a.m.

Jean Wetzel (previously sworn)

Ms. Wetzel questioned the operations in the off season. Mr. Sachs advised that all activities are kept indoors during the off season.

Ida Kulla again spoke. She indicated that Greif Bros. was closed on Saturday and Sunday.

There was no further public comment.

Mr. Ricci questioned whether the applicant would be willing to not operate both Saturday and Sunday. The applicant was not so inclined, and indicated that there is very little activity outdoors on Sunday. There will be no dump trucks on Sunday.

There was no further discussion. Mr. Meola renewed his motion to deny the application. There was no second made. Mr. Servis motioned to approve the application with a second from Mr. Meyer. With the exception of Mr. Meola stating no, the remaining Board members approved the application.

Mr. Stollen returned to the Board.

MINUTES – October 5, 2010

These minutes were approved with a motion from Mr. McCook, seconded by Mr. Ricci and all agreed.

VOUCHERS

Bills were paid with a motion from Leo Servis, seconded by Mr. Meyer and all agreed.

MEMORIALIZATION

Nuno Gouveia
Block 110.13 Lot 5
76 Elm Street

This resolution was circulated before the Board and approved by all eligible Board members.

ADJOURNMENT

There was no further business and this meeting was adjourned.

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Respectfully submitted,

Susan Milko
Board Secretary

BOROUGH OF SPOTSWOOD PLANNING BOARD
MINUTES - November 16, 2010

CALL TO ORDER

John Meyer called this meeting to order.

NOTICE REQUIREMENT

Mr. Meyer read the notice requirement for the Open Public Meetings Act.

ROLL CALL

present: John Meyer, Leo Servis, Charles McCook, Ted Ricci, John Vento, and James Kinneally, Esq.

absent: Mayor Thomas Barlow, Council President Curtis Stollen, Sandra Kerwin, Dan Auciello, Maureen Barlow, Jean Gretch, Anthony Meola, and Bruce Koch, P.P., P.E.

NOTE: Mr. Meola attended just after roll call.

APPLICATION

There were no applications before the Board this evening.

MINUTES - October 19, 2010

These minutes were approved with a motion from Mr. Servis, seconded by Mr. McCook, and all eligible voters agreed.

VOUCHERS

Bills were paid with a motion from Mr. Ricci, seconded by Mr. Servis, and all agreed.

MEMORIALIZATION

Dart Seasonal Products
Block 91.03 Lot 6
192 Summerhill Road

Mr. Kinneally advised that the applicant has requested two changes to the resolution. On page two, paragraph five, a clarification was made regarding dump truck deliveries entering and exiting the site. On page four, paragraph five, the

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applicant requested clarification regarding dump truck deliveries after 7:00 p.m. The Board discussed the issue and determined that there can be no truck deliveries of any kind after 7:00 p.m. That requested change will not be made. The resolution was then approved by all eligible voting members.

ADJOURNMENT

There was no other business before the Board, and this meeting was adjourned.

Respectfully submitted,

Susan Milko
Board Secretary