

**Planning Board Meeting**  
**Regular Meeting of January 21, 2009 at 7:00 pm**

The regular meeting of the Planning Board took place on the above date. Chairman McCabe read the Open Public Meeting Act and requested Board Secretary Mrs. Citterbart called the roll. Board Secretary Citterbart stated there was a quorum.

**Members Present:** Mr. Elvidge, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Mr. White, Chairwoman McCabe.

**ABSENT:** Mr. Caffrey, Mr. Phalon

**ALSO PRESENT:** Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Cory Stoner, Board Engineer, Debra Millikin, Deputy Town Manager, and Board Secretary Mrs. Citterbart.

**FLAG SALUTE**

**REORGANIZATION**

**Mr. Ricciardo made a motion to nominate Mrs. McCabe as Chairwoman for the year 2009. Mr. Elvidge second the motion. The floor was open for discussion and closed. Mrs. McCabe was approved by a unanimous "aye" vote.**

**Mr. Ricciardo made a motion to nominate Mr. White as Vice Chairman for the year 2009. Chairwoman McCabe second the motion. The floor was open for discussion and closed. Mr. White was approved by a unanimous "aye" vote.**

**Chairwoman McCabe made a motion to nominate Mrs. Citterbart as Board Secretary for the year 2009. Mrs. Fowler second the motion. The floor was open for discussion and closed. Mrs. Citterbart was approved by a unanimous "aye" vote.**

**PROFESSIONAL APPOINTMENTS FOR 2009**

**Chairwoman McCabe made a motion to nominate Mr. David Soloway, Esq. of the firm Vogel, Chait & Schneider as Board Attorney for the year 2009. Mr. Ricciardo second the motion. The floor was open for discussion and closed. Mr. David Soloway, Esq. of the firm Vogel, Chait & Schneider was approved by a unanimous "aye" vote.**

**Mr. Ricciardo made a motion to nominate Mr. David Simmons of the firm of Harold Pellow & Associates as Engineer for the year 2009. Chairwoman McCabe second the motion. The floor was open for discussion and closed. Mr. David Simmons of the firm of Harold Pellow & Associates as Engineer was approved by a unanimous "aye" vote.**

Chairwoman McCabe made a motion to appoint the New Jersey Herald and New Jersey Sunday Herald as the Newspapers of Record for the year 2009. Mr. White second the motion. The floor was open for discussion and closed. The New Jersey Herald and the New Jersey Sunday Herald were approved by a unanimous "aye" vote.

Mr. Ricciardo made a motion to nominate Jennifer Caldwell, P.P., A.I.C.P. from the firm of Harold Pellow & Associates for Town Planner for the year 2009. Mr. Vandyk second the motion. The floor was open for discussion and closed. Jennifer Caldwell, P.P., A.I.C.P. from the firm of Harold Pellow & Associates was approved by a unanimous "aye" vote.

#### APPROVAL OF MEETING DATES FOR 2009

Mr. White made a motion to approve Meeting Dates for 2009. Mrs. Fowler second the motion. The floor was open for discussion and closed. The meeting dates were approved by a unanimous "aye" vote.

January 21, 2009  
February 18, 2009  
March 18, 2009  
April 15, 2009  
May 20, 2009  
June 17, 2009  
July 15, 2009  
August 19, 2009  
September 23, 2009  
October 21, 2009  
November 18, 2009  
December 16, 2009  
January 20, 2010

#### CONSIDERATION OF MINUTES

December 10, 2008

Mr. Vandyk made a motion to approve the December 10, 2008 minutes. Mrs. Fowler second the motion.

**AYE:** Mrs. Fowler, Mr. Russo, Mr. Vandyk, Mr. White

**ABSTAINED:** Mr. Ricciardo, Mr. Elvidge, Chairwoman McCabe

#### HISTORIC RESOLUTIONS

#2008-0013 – County of Sussex, Property Location: 3 High Street. Approved application for the County Park to complete landscaping.

Mrs. Millikin stated: Sussex County made an application in relation to where the Historic Courthouse is. They are proposing landscaping along the side if you were coming up from Hayek's where it is visible. There is grass there right now. They really want to create a nice area of landscaping. It is all presented in the plans completed by David Wright. The Historic Commission felt it is an excellent plan. We are doing a lot of planting similar to what is in the County Park but using a lot of plantings from around the area that will bloom throughout the year. It will present a nice effect for people to sit outside and have lunch and give it a nice appearance. Chairwoman McCabe questioned: Will it be an open area? Mrs. Millikin stated: It will be open but it will have walls around it to try to create some privacy. It will be visible. They want to put lamp posts that complement our street lights that we have on County Park, Main Street, and Spring Street to make sure that there is some visibility in the Park area as well. Mr. Vandyk questioned: Is there a slope there now and are they going to have to raise it up? Mrs. Millikin stated: There are going to have to do some work on the area. It is all presented in the plan. The Historic Commission felt very strongly that this is a great idea. Chairwoman McCabe questioned: Are they going to keep the old fence that is there? Mrs. Millikin stated: I believe they are going to keep the old fence.

**Mr. Ricciardo made a motion to approve Historic Resolution #2008-0013 County of Sussex, 3 High Street. Mr. Vandyk second the motion.**

### **RESOLUTIONS**

**MNSPV7-2007 North Park Urban Renewal Associates Block 303, Lots 26.02, 26.03, 26.04, 2.06, C-3 Zone. Amendment to previously approved plans.**

**Mr. White made a motion to approve the resolution. Mr. Ricciardo second the motion.**

**AYE:** Mr. Ricciardo, Mrs. Fowler, Mr. Vandyk, Mr. White

**ABSTAINED:** Mr. Elvidge, Mr. Russo, Chairwoman McCabe

**#SP 08-07 Martorana Enterprises, Block 1201, Lots 5 & 5.03, 100 & 104 Sparta Avenue. Resolution to deny major site plan approval to construct two retail buildings. Carried to February 18, 2009.**

### **OLD BUSINESS**

### **NEW BUSINESS**

#### **2008 Zoning Summary**

Mrs. Millikin stated: This is coming from Weiner, Lesniak our Zoning Board Attorney on the action they took over the past year. Two were denials and one being Spring Street Partners looking for some apartments on Spring Street where the art gallery at the green is located up above those two locations up above that they were looking to convert into apartments. The

Board felt the use was not in conformance with the code at this point so they denied the application.

Another denial was Chip's Taxi and Limo which there has been a lot going on with that. Mr. Storm was running the operation out of his home. It was not a permitted use in the R-3 Zoning District and since found a new location but we are doing more investigations.

The rest were all approvals for use variances and site plans and things like that related to uses that were not in conformance with the ordinance.

### **CONCEPTUAL**

**Dan & Dana Weber – Property Location: 15 Hampton Street, Block 1009, Lot 1.  
Proposed automobile repair shop.**

**RECUSED: Chairwoman McCabe**

Mr. Soloway stated: This is just an informal discussion. Nothing the Board says is binding or represents any kind of commitment.

Mr. McCabe stated: The Weber's would like to use the 2 buildings that are there for an automobile repair shop. They are looking to relocate in town. What we are proposing is to expand the parking in front of the building so you would have a 25 foot area between the building and the first line of parking marked 1 through 4. Then have double stacked on four of those plus one more making 9 parking areas. There will be a decorative concrete retaining wall set in with a very heavy planted screening all the way around. In front between the wall and the parking areas 5 through 9 it could pose heavy timber guardrail. This would have planting set in front of it but the material underneath would not be appropriate for trying to get anything with a heavy root in it. On the left side of the driveway there would be an expansion of the parking and paved area so that you would have 10 through 12 projecting out with a heavy concrete block retaining wall, a dense planted screening around it, and planting in between the heavy timber guardrail and the wall. We also propose to pave the area between those parking areas over to the area where the existing driveway goes up to the smaller building and slightly beyond. There will be a total of 19 spaces available for both the staff and for cars that will be coming in and out during the day. The site already served by sewer and water. We would tie in any storm water generated into underground storage tanks in front of the large of the two parking areas and tie it into the town storm sewer.

Mr. McCabe stated: This is the most used area of the town. This is a permitted use under our Zoning. We are trying to create a heavy planted screening to separate the proposed use from the residential that is across the street. We also are aware of the need to limit the amount of lighting. Any lighting on the site we would prefer to have building mounted not pole mounted and tied to a timer so at a certain fixed hour it would go off and that would be the end of it.

Mr. McCabe stated: I have submitted to the Board a summary of proposed improvements for the conceptual site plan. I note for you on the second page on the top Section 20:20.10 of the

Zoning Ordinance that talks about the specific conditions for this conditional use permitted within the C-3 Zone. There are 2 conditions that no more than 5 motor vehicles that have been involved in accidents may be left out and that they are not permitted to carry or store vehicles on the site for more than 30 days. The applicant is fully aware of these conditions and would be in a position to meet those conditions. On Lot 2 there was a single family house with a driveway connected through on to this property so that you could drive through and around. That has been legally severed. Ms. Millikin stated: I think that was part of the original application.

Mr. McCabe stated: The inside of the buildings. The application would be putting in hydraulic lifts and would be the twin posts that are brought up by internal hydraulics. Mrs. Weber stated: there is already one in the main building. That is the one primarily used for repairs of the existing classic cars. Mr. Elvidge questioned: Is that going to be the office area too? Mrs. Weber stated: There is already a built in office area with a bathroom. Mr. Ricciardo questioned: The other building has no bathroom? Mrs. Weber stated: The building was used as storage like a pole barn but it is fully done with the floors finished and the structure itself is finished. Mr. Ricciardo questioned: Is it your intent to use that building as a repair facility or a storage facility? Mrs. Weber stated: A repair facility. We would have some parts there. Mr. McCabe questioned: You would not be looking to move sanitary over to that side? Mrs. Weber stated: No. Mr. Vandyk questioned: Will you be doing any painting on the premises? Mrs. Weber stated: No. Mr. Ricciardo stated: Basically it is the same business you are running out of your present location. Mrs. Weber stated: We would stick Danny in the exhaust in the one building, keep the rest of the guys in the other, and myself in the office. Mr. Ricciardo questioned Mr. McCabe: Why are parking spaces 13, 14, and 15 laid out the way they are? Mr. McCabe stated: Because if you look at the front of the front of the 30 x 50 building right now there is only one garage door and it is on the right side. They are proposing to put a garage door on the left side as well. So you will have two bays there. This is an area which will be paved and you could put parking there. Mr. Vandyk questioned: It is currently unpaved? Mr. McCabe stated: It is currently unpaved. If you look at the existing paved driveway coming up, it is highlighted with a yellow pencil that shows sketched in, the edge of that and it extends up from the parking area in front of the bigger building and extends up and you can see in between the areas designated from 13 to 15 and 16 to 19. Mrs. Weber stated: It is like a single lane going straight up into the one garage door that he's got. We are proposing to put a duplicate exactly the same garage door on the other side. Mr. McCabe stated: It is about a 14 foot wide paved area going up. Mr. Ricciardo questioned: Did you intend to pave the rest of it? Mr. McCabe stated: Yes. Mr. Ricciardo questioned: The whole area from the 30 x 50, including parking spaces 10, 11 and 12, along the curb line or retaining wall line out to the existing paved area and all in the front of the 30 x 50? All will be paved area? Mr. McCabe stated: Yes that is what we are envisioning at the moment.

Mr. Elvidge questioned: When the salvage yard has vehicles that are damaged do they have to be stored on a concrete pad? Mrs. Millikin stated: I'm not sure what the DEP regulations are on that. From our stand point, the junk yards are allowed to have some vehicles that have some damage to them but they have to take them apart so there is no ability for vermin or anything to live in it. Mr. Elvidge stated: I thought there was an inspection to be done. Mrs. Millikin stated: For the junk yards they have a requirement. Mr. Stoner stated: If they are going to have the vehicles that are junk they should be on asphalt or you run the risk of ground soil contamination.

Then you have to worry about cleaning up a spot that has been contaminated. It is in the best interest to be on asphalt or asphalt.

Mr. Ricciardo questioned: If you are not doing auto body work, why is there a need to have 5 vehicles that have been involved in accidents on site? Are we running a towing service also? Mrs. Weber stated: We wouldn't be really having 5 un-operable vehicles. That is the commercial zoning that we are familiar with that no dented, non-operable vehicles can be left out for more than 5 days. Mr. Ricciardo questioned: I just wanted to know if there was towing involved and I don't understand the rest of the configuration of parking. How many employees are you going to have? Mrs. Weber stated: Currently we have 5 of us. Mr. Ricciardo questioned: Where is the employee parking? Is it designated employee parking? Mrs. Weber stated: That is where hopefully will be along the side. Mr. McCabe stated: That would be number 16 and 19, 7 through 12. Mr. Soloway questioned: Is 19 required under the ordinance? Mr. McCabe stated: No, that is what we were able to fit so that they would have room to swap cars in and out as they were being repaired, part of them being picked up by the owners. Mr. Soloway stated: Do you need those three spaces? Mr. McCabe stated: Number 13 to 15? Mr. Ricciardo stated: We would have to go back to spaces 1 through 9 are going to be cars that are there to be worked on or have been worked on that are stored and ready to be picked up. Mr. McCabe I really don't care for the 13, 14 and 15 configuration.

Mr. Ricciardo questioned: I have a question about the height of the retaining wall and what material they will be made out of. Mr. Elvidge questioned: Coming from where you are currently at with the restraint you have with the parking there. Where are the spaces for the customers to pull up to? You want to define a space or two for a customer. I find confusion with 13, 14, and 15 being in the middle of the lot. Mr. McCabe stated: You would pull up in front of the building itself. The large building and go into the office. Mrs. Weber stated: For the most part for any car that we would have working or waiting they would be occupied in the ones closest to the end. We would try to leave as much room available in spaces 1 through 4 or the obvious ones from 12 to 10. Just to walk in the office quickly there is space in front of the door. Mr. Ricciardo questioned: If you are going to use 16, 17, 18 and 19 and 10, 11, and 12 for employee parking there is no room there for those people to pull into that space. Mr. McCabe questioned: If we took 13 through 15 out of the equation and we grassed that or planted it, we would still have the driveway leading up to right side of the smaller building and off to the left side. Mr. Ricciardo questioned: I thought we were paving the whole area? Mr. McCabe stated: We could and have that as parking. I am saying if we didn't and took it out or we compromised somewhere on that for a planted area you still have enough room there to be able to have somebody to pull in, park, go into the office, conduct their business and leave.

Mrs. Weber stated: Some of our employees like me come in and quickly leave with paperwork and stuff. I have been trying to do things from our home office. Some of the mechanics carpool so his car is not always present. Mr. Elvidge questioned: Is there an issue with 16, 17, 18 and 19? Is it a drop off that you couldn't double stack there? Mr. McCabe stated: It does go up and we have a retaining wall in there. I would have to cut into the hill further. Mr. Ricciardo questioned: Could you expand the parking area next to 10, 11, and 12 over more toward the driveway and continue that wall and get a few more spots in there? Mr. McCabe stated: I want to but that would mean taking out the 36 inch diameter tree there. Mrs. Weber stated: We were

hoping to park along the actual driveway so if you are pulling out you just put a couple around the tree. Mr. McCabe stated: I was concerned about the impact that it would have on the residential part of the neighborhood. Mr. Ricciardo stated: I understand but in my opinion it is not a good parking pattern and it should be adjusted maybe you have to take some other parking pattern if you really need 19 spaces taken into consideration. Another thing, somebody said you are not going to sell cars, but you do sell cars. Mr. Weber stated: Yes we sell cars. Mr. Ricciardo stated: So this is going to be for sale too. Mr. Weber stated: Now that I'm off Route 206 I'm not going to be asked to sell cars. Ms. Millikin questioned: You have the area now where parking spaces 1, 2, 3, 4 and 5 are there is that square that goes off to the neighboring property line. Could you put 2 spaces that you can just pull right in there and leave that for customer parking to give them easy access and keep the cars moving out of that location? Mr. Ricciardo stated: It's obvious that some of the members have a concern about the parking and since this is only a conceptual plan you would address it one way or another when the final application comes in.

Mr. McCabe stated: You also started to raise a question about the height of the walls. I just took a look at that. If you look at the largest between numbers 5 and 9, on the left hand corner you are looking at a wall height of 3 to 4 feet and the right side from 5 to 6 feet. Mr. Ricciardo questioned: You will give us grades? Mr. McCabe stated: You will have top and bottom of wall and you will have construction details and everything. Mr. Ricciardo questioned: You will have all the details and everything? Mr. McCabe stated: Yes.

Mr. Ricciardo questioned: Location of the discarded material? Where is it going to be stored? Mr. McCabe stated: It will be store as it would have been in another building inside the building versus outside. Mr. Ricciardo questioned: There will never be a muffler, a door, a discarded tire or anything outside one of these two buildings ever? You can't say yes to me. Mr. McCabe stated: I'm not going to put my hands on the King James for that one. Mr. Stoner questioned: You also don't have a refuge or any kind of dumpster or anything? Mr. McCabe stated: We haven't gotten to that part yet. Mr. Stoner stated: Today at Dan's Auto you have a trailer in the back. Mrs. Weber stated: That's in the back and hold the stainless steel for the exhaust. Mr. Ricciardo questioned: That's recycling steel right? Mrs. Weber stated: No that's the new stuff to go on. We don't it wet. Mr. Ricciardo questioned: What do you do with the old mufflers? Do you recycle that material? Mr. Weber stated: Yes. There is a trailer out back that I store it in. Mr. Ricciardo questioned: Where are you going to park that trailer? Mrs. Weber stated: Technically it could fit there. There is already a gravel side between the building and the actual property line that Bruce has. He has a little gravel driveway right there. Mr. Ricciardo questioned: Between what building? Mrs. Weber stated: Between this and the side property line. Currently Bruce has racks and he stores all his stuff along the east side of the building. Mr. Ricciardo stated: That is going to have to be enclosed. Mr. Stoner stated: Putting the items along Lot 9 would put you along the residential properties. Mr. Ricciardo stated: Whatever materials is stored outside whether it is recyclable, in a dumpster, or on the ground is going to have to be in a dumpster in an enclosed area.

Mr. Stoner stated: One concern that I have it the width of that driveway. I know you were talking about keeping it the same as the other but now you are going to have more traffic than what goes there now. What happens when you have a conflict of two vehicles, one going in and

one going out? Mr. Elvidge stated: We had that kind of situation when we talked about overlook. You could probably have like a bump out so if someone is coming out there would be a shoulder that another car can pull over and another car can go by. I don't think that is a problem at all.

Mr. Ricciardo stated: The other thing you mentioned is the water on the site. Has it been considered to recycle that water and use it for site irrigation? You can use it for flushing of toilets and to recollect all that storm water in a recycling system. As you know, we are making a part of any new redevelopment and project that is occurring in town and we are looking to recapture it. Mr. McCabe questioned: You are saying you want to create an active cistern? Mr. Ricciardo stated: Yes. In other words you take the water that is collected from the rain water and use for site irrigation, and use it for your brown water to flush your toilets. Mrs. Weber questioned: What if you don't have enough water. Mr. Ricciardo stated: It is a supplemental system. It supplements it. If you don't have enough water then you would go to your regular water system. We are looking for that to be recaptured so the amount of water that is used and flows through your meter is less so that we have more water for other developments in the community. That is becoming part of every redevelopment plan we do. Mrs. Weber stated: That is an excellent idea.

Mr. Ricciardo questioned: Speaking of the site is this going to remain natural or is it going to remain grass? What are you going to do with the rest of the site on the front site of this property? Are you going to make a sign? Mr. McCabe stated: We were going to leave the grass and the trees with the exception of the one tree in parking areas 1 through 5. That would have to go. We are trying to conserve all the other trees on the site. That is why we configured 12 to 10 the way we did because did not want to encroach on the root network of the 36 inch tree. We have to observe the drip line on that as best we can. Mr. Stoner stated: One thing with that wall that is ranging from 5 to 6 feet your landscape should be sized appropriately. If you put 3 or 4 foot evergreens on the front of this wall you are going to see over top of it.

Mr. Ricciardo stated: This is a far better location than the present. Are you going to have a sign? A big pylon sign? Lighted? Mrs. Weber stated: We may use the sign already there.

Mr. Ricciardo questioned: Parking spaces 18, 17, and 16 you are going to cut into that hill to create those? Mr. McCabe stated: Yes. Mrs. Weber stated: Currently there is gravel there. We just need an extra couple of feet to make it asphalt and park there. Mr. Ricciardo questioned: Is it on a slope presently? Mrs. Weber stated: Somewhat. Mr. McCabe stated: This is the original topo. It doesn't show the re-grading around it for the current building which did raise it up slightly in that area. Mr. White stated: This topo shows some pretty steep grading. Mr. McCabe stated: That was before they put the second building on. When they put the second building on they created a large level building pad for that and that extended out past the building. Since this is conceptual we have not gone out to shoot topo yet. That will not be as steep as it is shown there. Mr. Stoner stated: It still raises it 2 to 3 few feet. Mr. Ricciardo questioned: So you would like to flatten that out but not going to pave it. Mrs. Weber stated: I would like to pave it. It is gravel now. Mr. Ricciardo stated: The actual paving line does not extend into that area. Mr. McCabe stated: Not right now. That is the existing paved area. Mr. Ricciardo questioned: What are you going to pave? Mr. McCabe stated: We were looking to pave that

proposed parking area with 16 to 19. Mr. Ricciardo questioned: So every place there is a parking space on this conceptual plan will have received a bituminous paving? Mr. McCabe stated: Yes. That was the vision.

Mr. Ricciardo stated: We are still concerned with the parking configuration. We are looking for detail and some consideration for the water recapturing and whatever else we have discussed.

**PUBLIC COMMENTS**

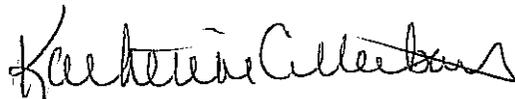
With no public coming forward, this portion of the meeting has been closed.

**EXECUTIVE SESSION 7:55 PM**

Chairwoman McCabe stated: At this time it has been recommended that we go into executive session to discuss potential litigation, not to reconvene. Mr. White made a motion to go into executive session. Mr. Ricciardo second the motion. **The motion for adjourn to executive session was approved with a unanimous "aye" vote.**

The next regular scheduled meeting will be held on February 18, 2009 at 7:00 pm in the council chambers of the Municipal Building.

Respectfully submitted,



**Katherine Citterbart  
Planning Board Secretary**