

MINUTES

JULY 2, 2013

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

Chairman Ed Gerecht called the meeting to order at 8:00 P.M. He then read the following statement: Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in December, 2012.

MEETING CUT-OFF

Chairman Gerecht read the following statement: Announcement is made that as a matter of procedure, it is the intention of the Board of Adjustment not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion is passed by the members then present to extend the meeting to a latter specified cut-off time.

CELL PHONES AND PAGERS

Chairman Gerecht read the following statement: All in attendance are requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll the following were present:

Ed Gerecht, Member
Jerry Aroneo, Member
Michael Pesce, Member
Richard Keegan, Member
Felix Ruiz, Member
Maureen Malloy

E. Thomas Behr, Chairman
Sandi Raimer, Vice Chairman
John Fagnoli, Member
Dawn Wolfe, Planning/Zoning
Administrator

Barry Hoffman, Bd. Attorney
Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Twp. Planner

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EXECUTIVE SESSION

It was determined that there was no need to hold an executive session.

APPROVAL OF MINUTES

The minutes of May 21, 2013 were approved as written on motion by Mr. Pesce and seconded by Mr. Keegan.

**ANTHONY & KATHRYN
BONTOMASE**

149 North Avenue
Block 13003, Lot 2

#12-01Z

Request for Extension of Approval

Chairman Gerecht noted that the applicant was not present so the meeting moved to the next item on the agenda.

TERENCE GOLDEN

49 Popular Drive
Block 10512, Lot 1

#12-03Z

Use Variance, Bulk Variances,
Prelim./Final Site Plan

John Sullivan, attorney for the applicant, Terence Golden, stated that Mr. Golden is the owner of the property in question. For the last ten (10) or twelve (12) years, the property has been used and occupied by his construction company, Goldcon Inc. He is the principal of that company. The eastern portion of the property had been used for storage and the front portion had been used for overflow parking. These uses were permitted by resolution of this Board issued on May 9, 2001 (#00-6Z). Goldcon Inc. had its offices and interior warehouse space in Berkeley Heights. This application requested permission to construct a building to consolidate the entire operation on this site.

Mr. Sullivan first called Mr. Golden, applicant and owner, to testify. Mr. Golden described the property's current uses and that the purpose of the application was in part, to consolidate all of the operations. He testified that the Little League had continued to use some of the property for parking since this Board granted approval for Goldcon's use of the site in 2001 and that he insures and maintains the property for the Little League's use. The League had issued a letter to the Board indicating that they would not oppose the application.

Mr. Golden testified as that there would be sixteen 16 employees, three (3) people in the office and possibly one (1) in the storage area. Hours of operation would be 6:00 A.M. to 6:00 P.M. Monday through Saturday. At times, the property would be accessed on Sundays to secure equipment for emergency services. He felt that there would be no significant change in usage on the property.

Chairman Gerecht closed the meeting to the public since there were no questions.

Mr. Sullivan called the next witness, James J. Ramentol, architect with GRA Architects, Berkeley Heights, New Jersey, who outlined his qualifications. The Board accepted those qualifications.

Mr. Ramentol testified as to the proposed floor plans and elevations for the proposed new building. He noted that it was the applicant's intent to upgrade the exterior of the building to better blend in with the surrounding areas. A color rendering of the building was marked Exhibit A-2.

Several board members had questions for the witness as did the professionals.

Chairman Gerecht opened the meeting to the public. Hearing no questions, he closed the meeting to the public.

Mr. Sullivan called Robert Gazzale, an engineer with Fisk Associates, P.A., of Middlesex, New Jersey to testify.

Mr. Gazzale was sworn in and affirmed that he was still licensed. Since he had testified before the Board on past occasions, his credentials were accepted.

Mr. Gazzale described the site and the surrounding areas as they currently exist and subsequently, the proposed new building, site modifications, and the variances that would be required.

Mr. Gazzale proposed an oversized underground infiltration basin to offset the increase in impervious coverage and to compensate for the variance required for lot coverage

Mr. Aroneo questioned the capacity of the detention basin and the underground infiltration basin and whether the applicant intended to exceed the requirements necessary for the variance.

Mr. Gazzale affirmed that the final design would exceed the requirements.

Another board member asked for clarification on the number of parking spaces would be lost. Mr. Gazzale determined that thirteen (13) spaces would be lost.

Mr. Ruiz inquired about the handicapped space size and the transition from asphalt to an unpaved surface. Mr. Gazzale agreed that it would be possible to pave the extra five (5) feet next to the space.

There were no further questions from the board members.

Mr. O'Brien questioned some of the parking issues particularly the buffer between the southerly spaces and the homes on Magnolia Drive.

Mr. Gazzale answered that there were some shade trees and additional trees that the applicant would plant to serve as a natural screen. He was also amenable to redesigning some of the landscaping to accommodate two (2) extra spaces.

A board member questioned the posts and chain used to delineate an entrance area for the Little League which was required by prior resolution and after some discussion, it was determined that this was no longer needed. Mr. Hoffman suggested that the applicant should seek to modify the restriction of the prior resolution.

There were no further questions for the witness.

Chairman Gerecht requested a ten (10) minute recess.

X X X R E C E S S X X X

Chairman Gerecht called the meeting back into session.

Chairman Gerecht noted that a representative for the Bontomase application had arrived.

Mr. O'Brien advised the Board that the Bontomase matter is a request for extension of approval.

Kathryn Bontomase, 149 North Avenue, Stirling, stated that she was present to ask for an extension of approval for improvements on her residence.

Mr. O'Brien said that Ms Bontomase was granted a variance by this Board on July 17, 2012 and asked why she was unable to start the permit process within one (1) year as required.

Ms Bontomase stated that because of Hurricane Sandy, she was unable to get the paperwork completed quickly. She noted that she owned another home on a barrier island and she was waiting for the insurance claims on both properties to be settled.

Mr. O'Brien and Mr. Lemanowicz stated that there have been no changes to the ordinance or issues that would affect this property or this zone or this application.

Ms Bontomase stated that if she was granted an extension of approval for the original plans, she would immediately start the process and address the eleven (11) different conditions.

Mr. Aroneo moved Resolution B-1 to extend application #12-01Z for one (1) year to July 17, 2014. Mr. Pesce seconded the motion. A Role Call Vote was taken. Those in favor: Mr. Aroneo, Ms Malloy, Mr. Ruiz, Mr. Pesce, Mr. Keegan, and Chairman Gerecht. Those opposed: None. Motion carried.

The Board returned to the Goldcon application at this point.

Mr. Sullivan called Christine Nazzaro-Cofone, 125 Half Mile Road, Red Bank, New Jersey, 07701.

After outlining her credentials for the Board, Ms Nazzaro-Cofone was accepted as an expert witness by the Board.

Ms Nazzaro-Cofone described the proposal and the requested variances. She testified that the applicant was requesting a D2 "Expansion of a Non-Conforming Use" variance so that Goldcon Inc. could construct an approximately 3,000 sq. ft. building. In 2001 the applicant was granted a use variance by this Board to allow for the proposed storage yard. She felt that the applicant's development proposal would improve the aesthetics of the property, make it more harmonious with the surrounding residential areas, and would provide for a more efficient operation. Criteria I (Desirable Visual Environment) and Criteria G (Providing Sufficient Space and Appropriate Location) of the Municipal Land Use Laws (M.L.U.L.) were advanced by the application. She also stated that the applicant was requesting some ancillary bulk variances-two (2) setback and one (1) lot coverage.

Ms Nazzaro-Cofone established the negative criteria in conjunction with the D2 variance request. There were two (2) prongs: the placement of the building minimizes the impact on the adjoining residences and since there are a variety of commercial uses in the area, the improvement that the applicant is proposing would make it more harmonious.

Ms Nazzaro-Cofone stated that there are three (3) frontages on the property and it is an irregularly shaped property, creating a hardship for the applicant. This would be consistent with C1 Criteria.

Ms Nazzaro-Cofone advanced many examples of how this application was consistent with the Master Plan.

Chairman Gerecht asked if the experts or board members had any questions. There were none.

Chairman Gerecht then asked if any members of the public had any questions for this witness or of the engineer. There being none, he closed the meeting to the public.

Mr. Sullivan stated that this concluded their testimony.

Chairman Gerecht asked if there were any comments from the public. There being none, he closed that portion of the meeting to the public.

A discussion ensued between the board members, the experts, and the applicant's witnesses in reference to various issues.

Chairman Gerecht asked for a motion to extend the meeting by ten (10) minutes. Motion was made and seconded. A Voice Vote was taken and the motion was carried unanimously.

The application was continued to September 3, 2013. Mr. Sullivan gave the Board a Consent for Extension of Time for Decision to September 4, 2013. The application would be carried to that date without new notice unless additional variances were sought.

Mr. Pesce made a motion to continue the application to September 3, 2013 as discussed. Mr. Aroneo seconded the motion. A Role Call Vote was taken. Those in favor: Mr. Aroneo, Ms Malloy, Mr. Ruiz, Mr. Pesce, Mr. Keegan, and Chairman Gerecht. Those opposed: None. Motion was carried unanimously.

Chairman Gerecht adjourned the meeting.