

BOROUGH OF SUSSEX
MEETING MINUTES
PLANNING/ZONING BOARD
October 27, 2014

1. CALL TO ORDER by Chairman Klein.

2. ROLL CALL – MEMBERS PRESENT: Rich Klein, Jonathan Rose, Sal Lagattuta, Steve Danner, Karen Vander Veer, John Rand, Frank Darvey, Brad Case*
ABSENT: Bruce Kristiansen, Kathy Little
PROFESSIONALS PRESENT: Glenn Gavan, Ken Nelson, Mike Vreeland
ABSENT: None
*Mr. Case arrived at 7:32 P.M.

3. STATEMENT OF COMPLIANCE – Chairman Klein stated “This meeting is in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Secretary.”

4. FLAG SALUTE AND MOMENT OF SILENCE – Chairman Klein invited everyone to stand for the Pledge of Allegiance and a moment of silence.

5. APPROVAL OF MINUTES – A motion to approve the minutes of the September 22nd, 2014 meeting was made by Steve Danner, second by John Rand.
Upon roll call vote:
Ayes: Klein, Rose, Danner, Lagattuta, Vander Veer, Rand, Darvey
Nays: None
Absent: Kristiansen, Little, Case
Abstentions: None

6. APPLICATIONS
 - a. *Galtag, LLC, PZ 2014-04*
52 Main Street, Block 702, Lots 8 & 9
Minor Site Plan

Mr. George Popov appeared before the Board was sworn in by Attorney Gavan and stated that he is sole proprietor, owner of both lots and the contractor for this proposal. The building is the location of the Haybelly Deli. The proposal is for a 6' x 6'6" mudroom, a 10' x 12' deck and a 16' by 4' walkway to be constructed from the third floor rear of the building to the parking lot. All construction is within the setbacks from adjoining properties. Mr. Popov explained the work proposed on three (3) photographs taken by Mr. Popov and two (2) renderings submitted with the application (Exhibits 1 – 5). The parking lot is accessed through a right-of-way on Harrison Street. The completed project would add a second means of egress for the building. The survey provided will be marked Exhibit 6. The back lot consists of the parking area and recreational area for the tenants of the building on the front lot.

OPEN AND CLOSE TO THE PUBLIC

The meeting was open to the public. There being no comments from the public, the meeting was closed to the public.

A motion to grant approval for Galtag, LLC's application was made by Sal Lagattuta, second by Mayor Rose.

Upon roll call vote:

Ayes: Klein, Rose, Danner, Lagattuta, Vander Veer, Rand, Darvey, Case

Nays: None

Absent: Little, Kristiansen

Abstentions: None

A motion to waive the construction proceeding before the memorialization of the resolution was made by Steve Danner, second by Sal Lagattuta.

Upon roll call vote:

Ayes: Klein, Rose, Danner, Lagattuta, Vander Veer, Rand, Darvey, Case

Nays: None

Absent: Little, Kristiansen

Abstentions: None

Mayor Jonathan Rose and Sal Lagattuta left the meeting.

- b. Barry Fitzpatrick, PZ 2013-03
49 Bank Street, Block 204, Lot 4
Use Variances and Height Variance*

Martin Van Der Heide, Attorney and his client, Barry Fitzpatrick appeared before the Board. All of the Board Members were in attendance at the September meeting and heard the testimony. Voting was carried over to the October meeting. Chairman Klein asked the Board member if anyone visited the site after our last meeting and encouraged members to visit application sites.

7. OPEN TO THE PUBLIC

Despena Eptamenitis of 53 Bank Street state that she lives next door to the Fitzpatrick's and she is thrilled to have them as neighbors. The Fitzpatrick's have done a wonderful job and improved the neighborhood. Ms. Eptamenitis taught in the school for 30 years and has lived in the Borough for 45 years. Mr. Van Der Heide asked Ms. Eptamenitis what existed prior to the garage being there and she said that there was a large barn owned by the Wilson's but unfortunately it burned

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down. 49 Bank Street was previously the Presbyterian Manse which was a two family and was 49 and 51 Bank Street. When it was turned into a one family residence, it remained as 49 and her residence is number 53.

The meeting was closed to the public.

The matters to be discussed and decided are the outside stairs and if the garage is an accessory structure or an additional primary residence. The height variance would not be required if the structure is considered a residence. The pile of dirt in front of the garage will be removed. The purpose of the apartment would be for visiting in-laws and/or for the applicant and his wife to stay while the main house is being used by a film crew and the applicant does not intend to rent to tenants. Chairman Klein stated that the property is not in a commercial zone and the commercial use is not permitted. Attorney Van Der Heide stated that the applicant will waive the commercial use. The garage was an existing structure and was built up. The zone does permit two family structures.

A motion to approve a variance to permit two (2) residential structures was made by Karen Vander Veer, second by Frank Darvey.

Upon roll call vote:

Ayes: Klein, Danner, Vander Veer, Rand, Darvey, Case

Nays: None

Absent: Little, Kristiansen

Abstentions: None

A side yard setback variance is required for the exterior stairs. A motion to approve the variance for the exterior stairs was made by John Rand, second by Steve Danner.

Upon roll call vote:

Ayes: Vander Veer

Nays: Klein, Danner, Rand, Darvey, Case

Absent: Little, Kristiansen

Abstentions: None

A condition will be added to the resolution that there will be no parking in the front yard but that area can be used as a turnaround space.

Kevin Kervatt, Zoning Officer, asked if there is a minimum square footage for the apartment. Ken Nelson, Planner, stated that the Zoning Ordinances do not regulate the size. The size

regulations would be under the Health Dept. and the Uniform Construction Code. The stairs are now being

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moved to the interior of the building so the bathroom on the second floor will be eliminated and the stairs will come up there. The bathroom on the first floor will be utilized by the apartment users. A motion to approve a variance to allow 484 sq. ft. for the apartment was made by John Rand, second by Steve Danner.

Upon roll call vote:

Ayes: Klein, Danner, Vander Veer, Rand, Darvey, Case

Nays: None

Absent: Little, Kristiansen

Abstentions: None

c. David B. Simmons, Jr., PZ 2014-05

Block 105, Lot 2

Preliminary and Final Site Plan and Use Variance

Mr. Simmons was sworn in by Attorney Gavan and will be testifying as a professional as well as the applicant. Mr. Valenti was in attendance as attorney for the applicant. Mr. Simmons thanked the Board for their previous approval for the enclosed walkway between 38 and 40 Hamburg Avenue and gave an update on the progress.

Simmons Transport, Inc. provides emergency potable water to businesses, etc. who are having water system problems. The trailers are rented on a daily basis. Exhibit A1 shows the type of trailers being rented at the Jefferson Township High School location. When a customer calls the company, the amount of equipment necessary depends on the needs of that customer. Each of these trailers holds 5700 gallons of water. The trailer on the left is the pumping trailer and the trailer on the right is the truck that shuttles the water back and forth.

Exhibit A2 shows the television station CNBC in Englewood Cliffs. They are on a public water system which periodically shuts down. Exhibit A3 shows one of our smaller trailers with all of the equipment contained within and used at the All Star Game at Citi Field in New York. Exhibit A4 shows one of the larger tankers at Citi Field. Exhibit A5 shows the tanker at the McDonald's in Montague. Exhibit A6 shows a smaller enclosed trailer which is 700 gallons located at Nick's Bar and Grill in Sandyston. The restaurant was closed at this time but there was an apartment upstairs. Exhibit A7 shows the 1000 gallon tanker at Culico's Steak House in Sandyston. The trailers are insulated and heated inside.

When the weather is cold, two of the 1,000 gallon tankers were parked in the corner of the lot in order for them to be ready at a moment's notice. Now since the DOT purchased a triangular

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section of the corner of the property, there is no room to do that. Therefore, the plan is to utilize the building at 5 Brookside Avenue as a garage to house two trailers by installing two garage doors in the rear. Mr. Simmons said that the residence was initially a company house when the lumber business existed and then a rental. The front porch will remain for aesthetics and the items to be removed are indicated on Sheet 3 of 5. The trees are also shown on Exhibit A8 and A9.

The garage located on the new Route 23 South needs a lot of work and would be replaced by a new pole barn building with the garage door on the rear facing the inside of the property. There are a total of thirteen (13) large trailers. Discussion continued regarding the trailer on the loading platform. During Superstorm Sandy, there was no electricity so the trailers were loaded by gravity.

The landscape plan was explained by Mr. Simmons. Simmons Transport is trying to logistically arrange everything on the property to maneuver and store the trailers and equipment. This is the only location for the business. The water is drawn from the wells located near Simmons Lake in Wantage. Mr. Simmons stated that he intends to paint the buildings at 5 and 11 Brookside Avenue in the near future. There was a discussion regarding the interim use and the Redevelopment Area objectives. Exhibit A12 depicts the loading dock without the fencing and with the proposed fencing.

Because there is so much to be discussed, the application will continue at the next meeting. A motion to deem the Simmons application complete was made by Frank Darvey, second by Steve Danner.

Upon roll call vote:

Ayes: Klein, Danner, Vander Veer, Rand, Darvey, Case

Nays: None

Absent: Little, Kristiansen

Abstentions: None

Chairman Klein asked the Board members to submit their suggestions, if they have any, after they visit the site.

COMMENTS FROM PROFESSIONALS

Attorney Gavan distributed paperwork regarding the Hyundai sign. The DOT has agreed to remove the sign at their expense and store it at their expense until the sign is relocated. A motion to approve the relocation and field change for the Hyundai sign was made by Steve Danner, second by John Rand.

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Upon roll call vote:

Ayes: Klein, Danner, Vander Veer, Rand, Darvey, Case

Nays: None

Absent: Little, Kristiansen

Abstentions: None

9. BILLS AND VOUCHERS

Dated 10/15/14 from Guerin & Vreeland Engineering re: General	\$472.00
Dated 10/15/14 from Guerin & Vreeland Engineering re: Simmons	\$177.00
Dated 9/30/14 from Glenn T. Gavan, Esq. re: General	\$ 60.00
Dated 9/30/14 from Glenn T. Gavan, Esq. re: Fitzpatrick	\$ 60.00
Dated 9/30/14 from Glenn T. Gavan, Esq. re: McNamara	\$435.00
Dated 9/30/14 from Glenn T. Gavan, Esq. re: Simmons	\$ 90.00
Dated 10/13/14 from The Nelson Consulting Group re: Fitzpatrick	\$333.50
Dated 10/13/14 from The Nelson Consulting Group re: Galtag, LLC	\$494.50
Dated 10/13/14 from The Nelson Consulting Group re: Simmons	\$483.00

A motion to approve the Bills and Vouchers was made by Karen Vander Veer, second by John Rand.

Upon roll call vote:

Ayes: Klein, Danner, Vander Veer, Rand, Darvey, Case

Nays: None

Absent: Little, Kristiansen

Abstentions: None

10. OPEN AND CLOSE TO THE PUBLIC

The meeting was opened to the public. Since there were no comments from the public, the meeting was closed to the public.

11. ADJOURNMENT

A motion to adjourn was made by Steve Danner, second by John Rand with all in favor.

Meeting adjourned at 10:07 P.M.

Blanche Stuckey, Planning/Zoning Board Secretary

Date of Approval