

BOROUGH OF SUSSEX
MEETING MINUTES
PLANNING/ZONING BOARD
December 8, 2014

1. CALL TO ORDER by Chairman Klein.
2. ROLL CALL – MEMBERS PRESENT: Rich Klein, Jonathan Rose, Steve Danner, John Rand, Karen Vander Veer, Kathy Little, Brad Case
ABSENT: Sal Lagattuta, Bruce Kristiansen
PROFESSIONALS PRESENT: Glenn Gavan, Ken Nelson, Mike Vreeland
ABSENT: None
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.

Mayor Rose recused himself and left the meeting at 7:33 P.M.

5. APPLICATIONS

a. *David B. Simmons, Jr., PZ 2014-05*

Block 105, Lot 2

Preliminary and Final Site Plan and Use Variance

Mr. Simmons and his attorney, Richard Valenti appeared before the Board. Attorney Gavan stated that Kathy Little listened to the previous testimony and will sign an affidavit indicating same.

Chairman Klein said that he would like to begin with use of the property first since there are a variety of uses in existence. Mr. Simmons was also asked to give a brief history of the property. Patrick’s Wine Barn and Catch 23 Deli are located in the buildings on Hamburg Avenue and the sign company is in the lower level. The space where Tips ‘n Toes was located is vacant as is the house located at 5 Brookside Ave. previously a residence which was rented out. At one time, there was a lumberyard on the property. The potable water business has been in existence for decades. Uses in the C-2 Zone were discussed and the importance of the interpretation for the existing use.

Sussex Borough called Mr. Simmons’ company to provide three (3) rental trailers of water to the Borough’s residents due to a recent water main break. Also businesses affected called such as Elias Cole Restaurant, the Clove Brook Market, the Green Olive and Friendly’s Restaurant. Attorney Valenti affirmed that the use is a Retail Sales and Service Center which is one of the uses listed in the ordinances.

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 the interpretation to allow the use was made by John Rand, second by Steve Danner.

Upon roll call vote:

Ayes: None

Nays: Klein, Danner, Vander Veer, Rand, Little, Darvey, Case

Absent: Kristiansen

Abstentions: None

After a meeting with the Chairman and Mr. Nelson, the applicant changed the plan to turn the new building 90 degrees and on the landscaping plan dated November 11, 2014, the building will have a 10 foot setback. Four (4) seven foot spruce trees would be planted in the front of the building. Exhibit A 13 shows the changes proposed to the loading dock with respect to the fencing to screen the existing trailer on the dock. Five (5) evergreen trees will be planted in front of the loading dock. Exhibit A 14 is the deed and map of an adjoining property which has a setback of five (5) feet. The existing garage is over the setback by one foot. A legal brief was submitted with the application requesting variance relief. The house at 5 Brookside would be used to house rental trailers. The structures on 5 and 11 Brookside will be painted a medium gray in the Spring. There was further discussion regarding the fencing on the loading dock. Since the property is now located on Route 23 South, the objective is to have an aesthetically pleasing facility.

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 approve the expansion of a non-conforming use and the approval of a pre-existing non-conforming use was made by John Rand, second by Steve Danner.

Upon roll call vote:

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

Nays: None

Absent: Kristiansen

Abstentions: None

A discussion regarding the Site Plan was initiated and began with the number of trailers parked on the property. The company has thirteen (13) 1000 gallon trailers and eight (8) small trucks.

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A five minute recess was taken. Mr. Danner left the meeting at 9:45 P.M.

Attorney Gavan stated that the Board Members would like to visit the site to obtain a better perspective regarding the parking, setback, buffers, etc. The Simmons application was adjourned to the next Board meeting on December 22nd.

*b. 24 Bank Street, LLC
Block 701, Lot 17
Minor Site Plan*

Mr. Donald Minassian from the firm of Sunshine, Atkins, Minassian, Tafuri, D'Amato, Beane & Buckner, 887 Kinderkamack Road, River Edge, N. J. appeared before the Board representing the applicant, 24 Bank Street LLC. Both owners are here: John Amels and Brian Scheidle. The application is for a Minor Site Plan. Excavation was done in the rear of the property and changes were done in the parking area. There is no change in the tenants or the use of the property. Mr. Amels was sworn in by Attorney Gavan. A vinyl fence was removed from the rear and side of the property and was replaced by a retaining wall with the fencing on top of it. The parking area was leveled off and improved for the tenants of the building. The construction performed on the building was to improve clean access to the basement. Application included the construction plans for the structure which were approved by the Construction Office.

OPEN TO THE PUBLIC

Howard D. Pollard of 93 Main Street appeared before the Board. He was sworn in by Attorney Gavan. Mr. Pollard stated that he has resided at that address since 1947. His property adjoins the applicants' property in the rear. Mr. Pollard stated that the applicants have done a good job improving the property but the fence is very big on top of the wall.

CLOSE TO THE PUBLIC

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

Mr. Vreeland requested an Engineer's Report from the applicant regarding the drainage. Section 19.18-10b states that the height of the fencing in the rear yard is a maximum of eight (8) feet. The measurement of the fence was discussed since it is sitting on top of a wall. It was determined that from Spring Street to the rear sideyard line as noted on the survey with the 27.13' measurement, the fence can be four feet high and then the wall/fence combination can be eight feet high from that line along the rear of the property.

A motion to approve the Minor Site Plan for 24 Bank Street with conditions was made by John Rand, second by Karen Vander Veer.

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Upon roll call vote:

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

Nays: None

Absent: Kristiansen, Danner

Abstentions: None

6. COMMENTS FROM PROFESSIONALS

Mr. Nelson stated that the Borough Council has designated an area in the Borough as a Redevelopment Area. The Council has requested the Planning Board to do the study. Mr. Nelson would like to be appointed by the Board to do the study. Chairman Klein told the Board that Wantage Township has employed Mr. Nelson to do their study. Chairman Klein will speak to Mayor Rose before our next meeting.

7. BILLS/VOUCHERS

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

Upon roll call vote:

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

Nays: None

Absent: Kristiansen, Danner

Abstentions: None

8. BOARD MEMBER COMMENTS

Karen Vander Veer stated that there are boxes in the windows at Patrick's Wine Barn. One of the conditions of the approval was that there would be some screening film placed on the windows.

9. ADJOURNMENT

The meeting was adjourned at 10:50 P.M.

Blanche Stuckey, Planning/Zoning Board Secretary

Date of Approval