



## MEETING MINUTES

October 25, 2016

Page 2.

- b. Interstate Industrial Management  
Cork Hill Road and Passaic Avenue  
Block 21 Lots 10 and 12.02  
LU 16-001

Chairman Armstrong stated that there was a list of expectations and we had a status report last month. Mr. Hinkes is the attorney for the applicant, Interstate Industrial Management, and they are asking for variance relief to add outdoor storage. The property is located in the Light Industrial/Commercial Zone (LI/C) which does not permit outdoor storage but the Industrial/Commercial Zone (I/C) does.

Attorney Hinkes stated that last month his applicant submitted an Amended Site Plan application to the Board. Back in 2004, there was an approval for construction of a building which is now half the size of the original plan and is a significant change to warrant an Amended Site Plan. Based on that, Engineer Buczynski gave us a report dated September 12<sup>th</sup>.

Mr. Kervatt, Zoning Officer, visited the site awhile ago. We satisfied him so he withdrew the summons that had been issued but it is based on us getting relief from this Board for the outdoor storage.

Attorney Hinkes introduced Jason Dunn who is with the Engineer's office as an expert witness largely responding to Gene's comments and any technical questions. The applicant's principals, Peter Fischer and Bill Fischer, are here to answer any questions regarding operations at the site. Peter Fischer, 105 Passaic Avenue, Ogdensburg; Bill Fischer, 105 Passaic Avenue, Ogdensburg; and Jason Dunn, 11 Lawrence Road, Newton, N.J. were sworn in by Attorney Thomas. Jason Dunn stated that he is employed by Dykstra Associates for about ten (10) years as a licensed Professional Planner and also a licensed Landscape Architect. He has a degree in Environmental Planning and Zoning and has provided expert testimony in planning in numerous towns in this county. Mr. Dunn assisted in the preparation of the plans submitted to the Board.

Exhibit A-1 titled Evergreen Trees on Berm dated 10/7/16 was submitted. The site is located on Passaic Avenue, not too far from the intersection of Passaic Ave., Cork Hill Road and Plant Street. Mr. Dunn gave a description of the site and noted that the Amended Site Plan is asking for Phase 1 of the project to be built now and Phase 2 at a later date. The site is a total of nine (9) acres and is L-shaped. All of the acreage is not shown on the map since it is not being developed. The area of development is about two (2) acres. Proposal is for Norway Spruces which are six (6) to eight (8) feet high to be planted on the berms which are about three (3) feet high. Applicant is also proposing to install an eight (8) foot high chain link fence with vinyl slats. The color of the slats could be green to match the railings on the bridge.

## MEETING MINUTES

October 25, 2016

Page 3.

Board Member Anthony Nasisi was recused because he resides in the 200-foot area adjacent to the site.

A short discussion followed regarding the items which would be included and excluded in the outside storage and will be noted in the Resolution.

Engineer Buczynski remarked that the first page of his report is an introduction. Page 2 lists the technical items:

1. Hours of Operation were discussed and if limitations were necessary. It was determined that generally the hours of operation will be from 7 A.M. to 6 P.M. Monday through Friday and 8 A.M. to 5 P.M. on Saturday. There will be two to three employees on site.
2. Will Phase 2 be the same business or will there be a tenant? If it is a different use, the applicant will need to apply to the Board.
3. Deliveries are anticipated at once or twice a month.
4. The Passaic Avenue Bridge is still closed. The Borough Council is the authority on the weight limit on that road and Attorney Hinkes said their suggestion was submitted to the Council and are awaiting their response.
5. Applicants agreed to install a stop sign at the end of the driveway.
6. Attorney Hinkes asked the Board for a waiver on the renewal of the Letter of Interpretation because of the cost. In lieu of the renewal, applicant will submit a letter from the Certified Wetland Delineator stating that there are no wetlands impacting the project.
7. Updated certification from the Sussex County Soil Conservation District was submitted.
8. The soil log information will be provided.
9. This is just a statement regarding the grassed swale.
10. The elevations should be added to the drawings.
11. Sheet 5 should be revised to show the Type "N"-ECO curb pieces.
12. This is just a statement regarding the parking spaces.
13. Architectural drawings prepared by Charlie Schaeffer were submitted.

## **MEETING MINUTES**

**October 25, 2016**

**Page 4.**

14. The area behind the proposed building has been changed from paved to gravel. The minimum thickness of the gravel should be six (6) inches.

15. Engineer Buczynski said he could not find the swale on the plans and Attorney Hinkes said he will find out if it means the emergency spillway.

16. A zoning permit is required for the sign from the Zoning Officer.

17. Comment regarding the flood lights to be mounted onto the proposed building.

18. Landscaping will consist of three (3) foot berms with the 6-8 foot Norway Spruce trees.

19. The cost estimates for the proposed site improvements will be updated with the new landscaping plan and submitted to the Borough Council.

20. The applicant will enter into a Developer's Agreement with the Borough Council for the installation of site improvements.

21. Applicant will meet with the Borough Engineer for a pre-construction meeting prior to construction.

22. Applicant will submit the deed descriptions for review by the Land Use Board Attorney and Engineer.

Mr. Andrews wants the Council's decision regarding the applicant's request for the weight class limit on Passaic Avenue for deliveries. Attorney Hinkes stated that he has testified at a Council meeting and submitted a letter to the Borough Attorney. Chairman Armstrong stated that this Board sees no problem with occasional deliveries going down Passaic Avenue without changing the weight class and ordinance.

### **3. OPEN TO THE PUBLIC**

A motion to open to the public was made by Bill Andrews, second by Elliott Honig with all in favor.

Mr. Anthony Nasisi of 97 Passaic Avenue was sworn in by Attorney Thomas. Mr. Nasisi stated that he is a resident for sixteen (16) years on the property which is adjacent to the applicant's property. Mr. Nasisi has never had a problem with noise or any disturbance of peace in the neighborhood.

## MEETING MINUTES

October 25, 2016

Page 5.

### 4. CLOSE TO THE PUBLIC

A motion to close to the public was made by Elliott Honig, second by Anthony Nasisi with all in favor.

Attorney Thomas asked Engineer Dunn for his opinion regarding the variance application if there was any detriment to the public order or detriment to the intent or purpose of the zone or zoning ordinance. Engineer Dunn said that according to the site plan and the applicant's proposed intentions and area of outdoor storage, it is my opinion that it promotes the welfare and is not a substantial detriment to the zone plan or impairment to the public good. Only two (2) of the nine (9) acres are in the development area and the remaining seven (7) acres are surrounded by trees with some grassy areas. This project fits the goals of the Light Industrial/Commercial Zone of the Land Use Law.

The color of the building will be an earth tone such as tan or gray. Outdoor storage will be confined to the gravel area and there will be a buffer of fifty (50) feet from the septic system.

The motion will be approval of the Amended Site Plan with the variance for outdoor storage with storage to be confined to the gravel area to an area not to exceed the eastern boundary of the septic field to be reviewed by the Borough Engineer; specific requirement that no junk cars or other junk material will be stored, outdoor storage will be for materials used in the business including guiderails and posts; no use of trailers; trucks on site will be operable and used in conjunction with the business; hours of operations will be 7 A.M. to 6 P.M. Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturday, no operation on Sunday; agreement with Item 5 in the Engineer's report to waive the LOI subject to the submission of a certified letter from Dykstra that there has been no change in the wetland; also in agreements to Items 9, 10, 14, 15, 16 and 19 through 22.

A motion to approve the Amended Site Plan and outdoor storage variance with conditions cited was made by Elliott Honig, second by Robert Armstrong with Kibildis, Telischak, Andrews, Rizzo, and Horuzy also in favor and Nasisi abstaining.

### 5. OLD BUSINESS

Mr. Andrews stated that he requested Mr. Kervatt visit the Delta Gas Station on 517. The cars have increased and there is a motor home there for over a month. Chairman Armstrong said that he will call Mr. Kervatt to request a visit and action. Mr. Andrews said that this has been going on for months.

**MEETING MINUTES**  
**October 25, 2016**  
**Page 6.**

**6. OPEN TO THE PUBLIC**

A motion to open to the public was made by Elliott Honig, second by Anthony Nasisi with all in favor.

**7. CLOSE TO THE PUBLIC**

A motion to close to the public was made by Elliott Honig, second by Bill Andrews with all in favor.

**8. ADJOURNMENT**

A motion to adjourn was made by Anthony Nasisi, second by Vito Telischak with all in favor. Meeting was adjourned at 8:30 P.M.

---

Blanche Stuckey  
Land Use Board Secretary

---

Date of Approval