

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
APRIL 21, 2016

Robert Fortsch opened the meeting at 8:00 p.m. by reading the Open Public Meetings Law Statement:

This is a Regular Meeting of the Zoning Board of Adjustment. In compliance with the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers & notice is posted at River Vale Municipal Offices.

<u>ROLL CALL:</u>	Robert Fortsch -Chairman	Present
	Thomas Pospisil- Vice Chairman	Present
	John Puccio	Absent
	Susan Vaccaro	Present
	Charles Tomczyk	Present
	Kevin Martin	Absent
	Craig Plescia	Present
	Michael Gannaio.	Board Attorney Present
	Jeff Morris	Board Engineer Present
	Joanne Allgor	Land Use Admin Present

SALUTE TO THE FLAG

APPLICATION

Anita Tire – 676 & 678 Westwood Avenue – Block 1801 Lots 18 & 19 – use variance with site plan approval and bulk variances – addition of auto service bays and parking spaces

Robert Terfuree, Attorney representing the applicant. Mr. Gannaio commented on his background and qualifications which were then accepted by the Board.

Mr. Terfuree called his first witness. Mr. Manetis was sworn in by Mr. Gannaio, Board Attorney. Mr. Manetis testified that he and his wife are the owners of lots 18 and 19 and that he owns and operates the tire business located on lot 18. Mr. Manetis has been before the Board before and has operated his business according to Board approvals and resolutions. Mr. Manetis testified that he now has a property ownership interest in lot 19. At the request of Mr. Terfuree Mr. Manetis described the use of lot 18 as a tire/auto shop on the ground floor with office space above. One tenant occupies a front office on the second floor. Four bays are on the ground floor with a show room in the front. The tenant is an independent real estate consultant who travels frequently and has no employees. Mr. Manetis testified that he has 12 employees including himself of which 9 employees are present during the week at any given time. Hours of operation are Monday – Friday 7:30 a.m. to 5:00 p.m. and Saturday 7:30 a.m. to 4:00 p.m. closed on Sunday. No other lease agreements exist with lot 18.

Mr. Terfuree advised that one year ago he purchased lot 19; which houses a 3 story building; currently there are 2 tenants on that lot. The ground floor is a dog grooming business and the other space is

occupied by a business called Doggie Deuce. The dog grooming business has 2 employees and their hours of operation are 4 days per week from 9:00 a.m. to 4:00 / 6:00 p.m. The other business Doggie Duce utilizes the space as general office space for accounting purposes. Mr. Manetis advised that his tire business is the busiest in the morning hours typically from 7:30 a.m. – 11:00 a.m. There is shared parking between the businesses on both lots. Mr. Manetis testified that he understands if his application is approved he is aware of the easement that would be necessary and that it would run with the land and would apply to anyone who would own the property.

As to consolidation of both lots Mr. Manetis stated that he cannot consent to that explaining that the properties are owned by two different LLC's and are financed separately and banks would not allow consolidation. With respect to tandem parking on lot 19 Mr. Manetis explained the proposal for employees and/or tenant parking in the first row. The second row is proposed for drop off either to the dog grooming business or the tire center. The spaces would be marked accordingly.

With respect to egress and ingress Mr. Manetis advised that it is difficult to evolve in and out at the same time. There is a substantial grade difference that Mr. Manetis is willing to eliminate by making the driveway wider to make it easier to get in and out of the facility.

Mr. Manetis is proposing placement of additional bays and explained the need for them to service the customers that they have. It would eliminate doing work outside and make it more convenient to service our customers. With respect to the garages currently two face lot 19 and 2 face to the rear of the property towards residential. The proposal is to take the two currently facing towards the residential and face them towards lot 19 and the 4 new bays if approved will face lot 19.

Trash and recycling – Mr. Manetis testified that currently the tire recycling is enclosed in the rear. He would create a new enclosure that is not visible to the public. Trash is picked up 3 or 4 times a week from a dumpster located in the rear of the property. They back in the truck and drive straight out. The dumpster located in front of lot 19 will be eliminated and both dumpsters relocated. Oil is recycled about once per month and is currently stored in a 275 gallon waste oil tank above ground inside the building.

Board Engineer Jeff Morris asked what time of day the garbage, not tires, were picked up. Mr. Manetis responded around 6:00 – 6:30 a.m. Tire pick up is every two weeks; Mr. Manetis is proposing a 6 ft. fence. Tandem parking was reviewed.

Mr Pospisil inquired if Mr. Manetis intended on hiring more employees with the proposed doubling of the bays. Mr. Manetis responded that he did not intend to hire new employees at this time. He has a sufficient number of employees to service the customers he has right now.

Mark Martins Engineer for the applicant was asked to come forward. The Board was familiar with his qualifications which were accepted. Mr. Martins was sworn in by Mr. Gannaio Board Attorney.

It was noted that entering the driveway, the code requires a 25 ft. wide driveway; and asked if the drop curb would make up the difference if two cars pass. Mr. Martins replied no, we are separating that pedestrian walkway from the travel way of the driveway. The 21 ft. although it is a variance is limited to a certain area of the property. There is enough room for 2 cars to travel without accessing the pedestrian access way. The entire set of plans sheets 1 through 8 were marked as Exhibit A-1. Mr. Martins referred to sheet 2 which depicts the 2 existing properties that were surveyed. Anita Tire has an approximate 16 ft. driveway now from the front to the back and then it widens. Puppy Cuts has a

driveway of 9 ft. which is their access to their parking lot off of Westwood Avenue. By sharing the two we are improving the egress and ingress of these properties. It is the best way to develop this site for both properties. Mr. Fortsch commented that he viewed the area and felt it would be a major safety improvement eliminating the wall.

Mr. Martins explained an area where there is a 3 ft. difference in the elevation pertaining to a seepage pit and catch basin which are at low points. We plan to cut through the area and reduce the elevation and make it pitch towards the middle of the property. Additional seepage pits are proposed. The entire pavement will have to be removed and regraded.

Mr. Manetis advised that 90% of the work that was done outside the building would now be able to be done inside. Mr. Martins advised that the actual number would be 97.3 ft. from the proposed addition to the rear property line.

Mr. Pospisil asked during construction how would customers be handled for the businesses. Mr. Manetis responded that he would begin by removing the grade on lot 19 which would not affect the tire business. The tenants are aware that they will be without parking for a month or two.

Robert Fortsch felt that having work done is a plus especially for safety. He asked if the fence in the rear could be a 4 ft. fence instead of a 6 ft. fence. Mr. Manetis responded that there is an existing 6 ft. fence from the shopping center and they want to continue the same type and style. Mr. Fortsch felt that the police department would prefer a 4 ft. fence that they can look over. The previous fence was 5 ft. according to the applicant. Because of the residential area a 6 ft. fence was decided upon.

Chairman Fortsch opened the meeting to the public

No public comment

Meeting closed to the public

Jeff Morris inquired about a handicapped ramp recently installed on the right side of the driveway and asked if it would be maintained. Mr. Martins responded that we would be revising that ramp and explained. Mr. Morris mentioned if the gates are placed on the south side of the dumpster it would be easier to get a truck in there to lift it. Mr. Terfuree commented. The existing trash area will be removed. The retaining wall will be removed and regraded. The overall aesthetics will be improved.

Mr. Fortsch commented that the common ownership of both properties lessens detriment. Having a business owner upgrade the building is a plus.

Mr. Martins re-reviewed the proposal. We are seeking variances expansion of a non-conforming use for the addition that is proposed. The other variance is in the rear residential area whereas the existing curb line will be pushed a little to the east creating a set back of 9 ft. from the curb line to the rear property where 10 ft. is required. The tire storage area is a "0" setback requiring a variance and will be enclosed.

A landscape and lighting plan is in place. Ten trees are expected to be removed. Additional trees will be placed. Additional plantings are proposed.

Mr. Pospisil asked for details on what divides lot 19 from the shopping center to the back part of lot 18.

Mr. Martins provided details stating that there are no safety issues and it is nicely landscaped as it is. There are existing lights on the property, we are proposing to remove them all and replace with high efficiency lighting on poles. Timers will be installed.

Robert Adamo, Architect was sworn in by Michael Gannaio Board Attorney. Mr. Adamo presented drawing SK1 dated 4/21/2016 and marked as Exhibit A-2. He reported that the vinyl siding would be replaced with stucco which is more commercial and would blend better. Mr. Adamo explained location of the man doors and the 4 new doors facing lot 19. The roof of the addition will be the same height as the existing garage. All materials used will be a match.

Jeff Morris inquired if any changes would be made to the front of the building. He was informed only cosmetic changes none that would require a variance.

The back of the building on lot 19 will be modified to eliminate the stair and enclose the porch which is about 105 sq. ft.; therefore the first floor will gain additional 105 sq. ft. for office space or similar. The sidewalk on the east side will be replaced and new.

Mr. Fortsch inquired if signage would be changed. The response was that the existing sign is about one year old and the applicant is not looking to place a larger sign. The walkway to the building on lot 19, will be expanded keeping with urban streetscape. There will be a curb separating the driveway from the plaza.

In summary the application calls for property enhancement; new parking, better egress, work being done inside, turning the bay doors away from the residential area and enhancing the front of the building on lot 19. A lot of benefits are being proposed.

Mr. Terfuree commented that for the expansion of a legal non-conforming use 5 votes are needed by the Board first. The "C" variances are the width of the driveway and 2 parking spaces which meet ADA requirements which we are one foot short on both. The final variance is the buffer in the rear which is 0 to 9 ft. instead of 10 ft. because of the enclosure. The tire storage area is at "0".

A motion by Thomas Pospisil to approve the continuance of a non-conforming business, seconded by Susan Vaccaro, on roll call vote, all in favor, the motion carried.

A motion by Robert Fortsch to approve the "C" variance on the width of the driveway from 25 ft. to 21 ft. seconded by Thomas Pospisil, on roll call vote, all in favor, the motion carried.

A motion by Thomas Pospisil to approve the 2 undersized parking spaces which are the handicapped spaces which meet ADA requirements; seconded by Charles Tomczyk, on roll call vote all in favor, the motion carried.

Jeff Morris, Board Engineer asked that the approval for the buffer in the rear which is 0 – 9 ft. instead of 10 ft be added to include that the closed gravel area for tire storage not exceed beyond the 611 sq. ft.

A motion by Charles Tomczyk to approve the buffer area in the rear and that the closed gravel area for tire storage not exceed beyond the 611 sq. ft. seconded by Robert Fortsch, on roll call vote, all in favor, the motion carried.

A motion by Thomas Pospisil to approve the overall site plan as submitted and marked as Exhibit A-1 with a last revision date of 3/30/16; seconded by Susan Vaccaro, on roll call vote, all in favor, the motion carried.

MINUTES

March 10, 2016

A motion by Craig Plescia, seconded by Charles Tomczyk to approve the minutes of March 10, 2016; on voice vote all those eligible voted yes; the motion carried.

DISCUSSION

Chairman Fortsch reminded everyone about the May 7 symposium which he will be attending. Anyone else with interest to attend will let the Land Use Administrator know.

PAYMENT OF INVOICES

A motion by Susan Vaccaro to approve invoices as read into the record; seconded by Charles Tomczyk; on voice vote, all in favor, the motion carried.

ADJOURNMENT:

Upon motion, seconded and carried, the meeting was adjourned.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary