Denville Township
Board of Adjustment
Meeting Minutes

August 03, 2016

The Board of Adjustment of the Township of Denville held an additionally scheduled regular meeting on Wednesday, August 03, 2016. The meeting was held in the Municipal building,1 St Mary’s Place and commenced at 7:00pm Chr. Dankos presided.

Secretary Unrath read NOTICE OF PUBLIC MEETING

ROLL CALL:
Present: Brian Bergen, Adam Caravaglia, Tim Fisher, Daniel Napolitano, Ed Moroney, Daniel Roman, Sally Dankos
Absent: Harold Fahrer, James Rodimer
Prf. Present: Larry Weiner, Esq., John Ruschke, PE, Jason Kasler, AICP, PP

Meeting Minutes
A Motion to adopt the July 20th minutes was made by Mbr Napolitano, seconded by Mbr Roman. and unanimously approved by all member able to vote.

PURCHASING
A Motion to pay Kassler Associates was made by Mbr Bergen., seconded by Mbr Roman. and unanimously approved by all member able to vote.

RESOLUTIONS

BA16-06 Brett and Devon Rizzo (No vote: Bergen, Roman, Moroney)
33 Orchard Street
Block 50410, Lot 21

A Motion to adopt this resolution of approval was made by Mbr Napolitano., seconded by Mbr Caravaglia. and unanimously approved by all member able to vote.

ROLL CALL: Napolitano, Caravaglia, Dankos

BA 16-13 Vladimir and Shannon Penkrat
18 Basswood Drive
Block 50902, Lot 7

A Motion to adopt this resolution of approval was made by Mbr. Napolitano, seconded by Mbr. Bergen and unanimously approved by all member able to vote.

ROLL CALL: Bergen, Napolitano, Roman, Caravaglia, Moroney, Dankos

PUBLIC HEARINGS

BA/PSP/FSPV: 16-16 Englewood Auto Group
256 Route 46
Block 51001, Lot 2

Applicant is seeking approval to use the entire property (including the previously approved 5,301 sq. ft.) to be utilized for automobile sales, automobile repairs, service detailing and delivery preparation services for new and use automobiles.

Jason Rittie (Attorney- Law office of Einhorn, Harris and Ascher) - In this application the applicant applied for preliminary and final site approvals with use and bulk variance. The property is located on 256 route 46 west Block 51001, Lot 2. The subject property is approximately 9,000 sq. ft. building in the B-2 highway business district. On October 2nd, 2013 a prior application NJSA 40:55D-68 which allowed another automobile facility to be used which is half the size of the proposed facility.

It was noticed by Jason Rittie that there were only 6 board members and with a D-variance that there must be 5 eligible members to vote. Larry Weiner, Esq stated there can be an adjournment for the next Board of Adjustment meeting or we can proceed with the meeting? The applicants decided to continue with the meeting, but reschedule the voting till 9/7 Board of Adjustment meeting.

John Merriam-(Director of LLC and owner of this property). It has been owned by the Gerheart family since 1939. The building was constructed in 1939 as a gas station. In 1946 it was a Gerhart dealership. In 1954 it turned over to selling Dodges. In 1962 it was then transferred over to a Chevrolet dealership. In the years from 1977-2003 it was used as a BMW franchise till they sold it.

Jason Rittie (attorney) Questions if it is hard to get tenants for this building?
John Merriam (Director of LLC) – States that it is hard to find tenants for this building because there are many businesses already established on Route 46.

Jason Rittie- Asks if there are any tenants currently at this establishment and if so, when are they expected to leave?

John Merriam- There are tenants currently at this establishment and if the project is approved they will be contracted to leave in 45 days.

Questions open to the Professionals
John and Jason have no questions

Questions opened to the public
Gene Feyl (44 Lakewood drive)- Questions John Merriam if his current tenants at the hair salon wanted to expand into the automobile part of the property would this be allowed?

John Merriam-Director of LLC: If all the circumstances worked out then yes, this is something the owners would consider.
David Zimmerman (21 Western Ave, Morristown) Professional Planner- sworn under oath and accepted as a professional planner. Exhibits A-1 8 photos- of the proposed property from different years. 1st photo is from Morris county planning board and the other 7 photos are satellite photos. 1999- use of the property as a car dealership property and 2012- was the automobile and Spa property. The rest of the photos are pictures from 57’ 63’70’79’02’ of different dealerships that owned this property.

Open questions to the professionals

John Rushke, PE- States he would like an up to date survey for lots 22 and 23 for the next meeting. Jason Kasler, PP - Questions how can you prove that the first set of photos are display cars and not just cars that are parked in the property? David Zimmerman (Professional Planner) Cannot justify himself that those are display cars.

No Board members have questions

Steve Descalzi (934 Ocean Ave, Sea Bright)- Operating Member and contract purchaser. Englewood Auto Repair was originally on Grandave in Englewood, New Jersey. He operated this from form 1999-2016. For this new proposed property as car dealership it would be mostly selling 2010-year-old cars or close to those years. His goal for this building is to update the outside and inside nothing too dramatic.

Jason Rittle (attorney)- Questions if the nature of the business has changed at all? Is it more internet driven?

Steve Descalzi (operating member)- The used car business is very much internet driven.

Jason Rittle (attorney)- Questions if this property is still a good layout for a dealership?

Steve Descalzi (operating member)- States this property is meant for a dealership. It has everything you need, and it is a perfect for a boutique dealership.

Jason Rittle (attorney)- Would be the hours of operation and approximately how many employees would be working at this facility?

Steve Descalzi (operating member)- The sales hours would be from 9:00- 8:00 Monday- Thursday. 9:00- 6:00 Friday-Saturday. The service repair center would be open from 9:00- 6:00 Monday- Friday. There would be approximately 6-8 employees working and they will be parking inside the facility.

Jason Rittle (attorney)- Inquired about what other improvements would be done to this facility?

Steve Descalzi (operating member)- The building does need to be updated around the front door, but nothing too extravagant.

Jason Rittle (attorney)- Questions the deliveries that would be entering the building on a daily basis?

Steve Descalzi- Clarifies that no 18-wheelers would be coming in and out of the buildings as if it were a big brand dealership.

Open to the Professionals

Jason Kasler, PP - No questions

John Rushke, PE- Expresses his concerns about the flood hazards and where would the cars go if there should be flooding?

Steve Descalzi (operating member)- States the cars would brought to a different location.

Mbr. Roman. Questions if these site plans are finalized and would it be a two-day plan?

Steve Descalzi (operating member)- Clarifies he made the plans to be a 3-day plan, but hopes to achieve them in two days.

Mbr. Caravaglia- Inquires what will be done in the service section of the dealership?

Steve Descalzi (operating member) Clarifies the service center would only be used for cars on his lot that need fixing. It will not be used as full service center for outside cars.

Mbr. Bergen- No questions

Mbr. Napolitano- no questions

Mbr. Moroney- no questions

Franz Laki (12 Maple Ave, Pine Brook) SESI Consulting Engineer. Sworn under oath and accepted as a professional Engineer. There is one building half is currently used as a salon the other half is currently vacant. The proposed application (S2 3 & 4) is to convert the salon into the office and the vacant space of 6,500 sq. ft. would be used as the service space and indoor parking for employees. The entrances and lighting would stay the same. The applicant plans on widening the sidewalk to 4ft to 6ft. The applicant will apply for NJDEP permit by rule for general construction.

Franz Laki ( S的意义 Consulting Engineer) Respond to all Mr. Rushke comments he sent on June 17th. The engineer made comments about moving the handicap parking to the right side of the building closer to the building. The site plan is 200 sq. ft. of service center, 3700 sq. ft. of office space that equals to a total of 15 parking spaces. The applicant has selected not to obtain and elevation certificate from FEMA. The improvement of this facility will not exceed 50% of the market value and will not need to obtain another ordinance from the town. All compact spacing will have a sign stating for compact cars only. The correct signage would be put into place for the correct way to enter and exit the property and loading zones only. The new plans from August 2nd saw the new easements for sanitation and sewers.

Questions opened to the professionals

Mr. Rushke, PE - Highly recommends the elevation for flood proofing this property. Mr. Rushke would also like clarification of the easement for lot 22 before this application is closed.

Mr Kasler, PP – Clarifies that the proposed dumpster would have no parking in front of it. Also questions who is liable for the 9 parking spots approaching onto route 46?

Larry Wiener, ESQ/ John Rushke, PE- States that applicant would need to get in contact with DOT for the parking spots that approach onto Route 46.

Questions open to the members

Mbr. Napolitano- No questions

Mbr. Moroney- No questions

Mbr- Caravaglia- Questions if there will be any recyclables at this facility?

Franz Laki (SESI consulting engineer)- Clarifies that all oil or any other containers would be recycled inside the building.

As for any other recyclables items they will create another trash facility next to the already proposed dumpster location.

Mbr. Roman- no questions

Mbr. Bergen- no questions

Questions if these...
Open to the Public
Kenneth Flessner (26 Garwood trail Lake Arrowhead)- Questions the applicant if there would be washing of any cars in this facility?
Steve Descalzi (Operating manager)- Clarifies he would make arrangements with outside vendor to wash cars off site.
Kenneth Flessner (26 Garwood trail Lake Arrowhead)- Questions if there would be any sidewalks put into place on route 46 in front of the property?
Franz Laki (SESI Consulting Engineer)- States this is DOT property and there are no plans for sidewalks at this time.
Rashada Flessner (26 Garwood Trail)- Questions to the board and applicant if they could consider putting sidewalks in?
John Rushke, PE- This would be the time if the board agrees that the DOT would put sidewalks and also crosswalks.
Jason Rittle (Attorney)- The applicant would like to keep those 9 parking spots the way they are in the plans. If sidewalks are put in front of the site it would cause a lot of foot traffic and the applicant feels it would be unsafe.
Amy Pushkin- Questions if the business will have a PA system being used around the business?
Steve Descalzi- (Operating member)- Clarifies there would be no outside speakers.

Kenneth Fox (546 Ledgewood route 10)- Sworn under oath and accepted as a professional architect.
Exhibit 3- There would be 6,500 Sq. Ft of service center with 8 employee parking spaces. The office spaces is 2,340 Sq ft which is now currently being used as the spa. The exterior will mostly stay the same with changes to the entrance way and a new sign. The whole building would be 10,000 sq. ft.

Questions open to the members
Mbr. Napolitano- no questions
Mbr. Moroney- no questions
Mbr. Caravaglia- no questions
Mbr. Roman- Gets clarification that there would be no new ventilation system in the office area.
Mbr. Bergen- No questions
Jason Kasler, PP- States that he would like the brick planters to be shown in the new site plans for the next meeting.

Questions open to the public
Seth Johnson (49 Lakewood Drive)- Questions the engineer of how he came about the calculations for the sq. footage of the parking spaces?
Franz Laki (SESI Consulting Engineer)- Clarifies he got the calculations from 2000 sq. ft. from the service area and 3700 sq. ft. from the office spaces. This equals to 3100 sq. feet for 15 parking spaces. The interior space gives the applicant more space for employee parking.

Old Business
Larry Wiener, Esq- Board makes a motion to allow Larry Wiener to represent the Board of Adjustment in the Tala Vs. Marasco case.
A Motion was made by Mbr Bergen., seconded by Mbr Napolitano. and unanimously approved by all member able to vote.

Meeting adjourned at 9:15