The Board of Adjustment of the Township of Denville held its scheduled regular meeting on Wednesday, May 01, 2019. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 P.M.

Secretary Unrath read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: Dan Napolitano, Tim Fisher, Ed Moroney, Adam Caravaglia, Ed Moroney, Christine Hong, Chris Titze, Tim Wagner, Harry Fahrer
Absent: Krista Kussoff

Prof. Present: Larry Wiener, Esq., Jason Kasler, PP, Samantha Anello, PE

MINUTES:
A motion to approve the minutes from April 17, 2019 was made by Mbr. Fahrer, seconded by Mbr. Fisher and approved by all members able to vote.

PURCHASING:
Motion to pay vouchers submitted by Mott MacDonald subject to the availability of funds, was made by Mbr. Fisher, seconded by Mbr. Moroney and unanimously approved by members able to vote.

RESOLUTIONS:

BA 19-05 Helen English
62 Highland Trail
Block 40810, Lot 489
A motion to approve the resolution of approval was made by Mbr. Fahrer, seconded by Mbr. Fisher and by all board members able to vote.
AYES- Fahrer, Fisher, Caravaglia, Moroney, Wagner, Napolitano

BA 19-01 Brianna Kelly
45 Longview Tail
Block 40808, Lot 519
A motion to approve the resolution of approval was made by Mbr. Fahrer, seconded by Mbr. Fisher and by all board members able to vote.
AYES- Fahrer, Fisher, Caravaglia, Moroney, Wagner, Napolitano

PUBLIC HEARINGS:

BA/PSP/FSP/18-23 Auto Holding, INC (carried from 4/17/19
254 Route 46
Block 51001, Lot 22
Joe Paparo, Esq.- Representing the applicant. Mr. Paparo discussed the plans the plans that were previously submitted in April. The applicant is proposing intensive landscaping, updating lighting and a sidewalk in front of the business. There was also testimony for the parking assessment and it was established the applicant is proposing adequate parking.
Board Secretary Unrath stated that there are 7 eligible board members to vote.

**Gene Kuschik**- Operations manager. It was stated that there would be 8 employees on site, 5 would be in the garage and 3 in the ancillary building. There would be no body work on any vehicle. It was stated that some cars would stay overnight in the facility. Showed Exhibit A-4 which is a revised floor plan to show “no customer access” signs. The customers would now have one accessway and the employees would have their own accessway. The employee breakroom would have their own door for privacy. The plans also note that the applicant would comply with all noise ordinances. There would also be a designated children area in the waiting room. Showed Exhibit A-5 which shows the revised mezzanine area would be used as storage and not for office use.

Open to the Board Members

**Mbr. Moroney**- Questioned and answered that the parking lot would be repaved. It was stated that all oil tanks are within in the standard and it would not be exceeded. It was stated that the applicant would be willing to work with the surrounding business to allow them to park in their lot.

**Mbr. Wagner**- It was questioned and answered that all online booking and phone inquiries would be done on a CRM system.

**Mbr. Caravaglia**-It was clarified that only Auto Holding customers would be able to book with this facility.

Open to the public for questions

**Chris Karcher** (20 Mosswood Trail) It was stated that there is no manager for this location as of now. All managers would need to comply with the conditions set forth by the resolution.

**Bob Grant** (515 Ridgewood Pkwy E)- It was questioned and answered that customers would not be allowed to drop off their cars earlier than their allowed appointment time. It was stated that this is not a profit-making business for Auto Holding, but to add additional customer service to their customers.

Next Witness

**Michael Pessolano, PP** (140 Elmwood Ave) – Sworn in as a professional planner. Exhibit A-6 shows the various tax lot map and the surrounding areas. The exhibit also shows the current property and the existing hair salon. D1 use relief and D2 relief and expansion of a non-conforming use. Mr. Pessolano stated that the current property is only utilizing half of the property has a hair salon, but the other half still remain vacant as automobile use. It was never abandoned from the last tenant Gerhard Chevrolet. The other variances being requested are for setback and the number of required parking spaces. The applicant is requesting 21 spaces where 134 is required by ordinance. Mr. Pessolano referenced the Medici Case and the suitability for this application. The applicant is requesting to use the whole land as an automobile use and to better utilize the land. Mr. Pessolano stated the application is promoting economic development and the general welfare.

Recording stopped from 8:02-8:12

**Michael Pessolano, PP**- Stated that this application would not have building or parking expansion. There would also be no land clearing for this application. There would no detrimental impact to the public good. Mr. Pessolano stated that that the D2 variance was met with utilizing the same as full automobile use.

Open to Board Professionals

**Samantha Anello, PE**- No questions

**Jason Kasler, PP**- Discussed in more detail the planner’s testimony of how the application benefit the public and general welfare.
Open to Board Members

**Mbr. Fahrer**- It was questioned how the application works with the Master Plan and Mr. Pessolano stated that this application is becoming into conformity of the lot. It is a non-conforming use and was never abandoned as an automobile use.

**Mbr. Caravaglia**- Discussed that a salon is permitted in a B-2 zone and it would be a permitted use. Mr. Pessolano stated that the Automotive use is more controlled then a hair salon.

**Mbr. Wagner**- Questioned what steps the applicant has done to make it a non-conforming use and Mr. Pessolano stated that applicant has not taken any steps to abandoned the Use.

Mr. Paparo stated that with the 2013 application the salon was already existing and it was established that the automotive service was not abandoned and could still be used in the future.

Break 8:54- 9:02

Open to public for comments

**Paul Dean** (35 Lakewood Dr) - Questioned how the board would control the off-street parking and driving of cars through the residential area. Mr. Wiener stated that those would be conditions within the resolution and the applicant would need abide by them.

**Michael Bertram** (7 Ridgewood Pkwy W)- Stated that this application goes against the Master Plan the building was abandoned and the town should restrict more Automotive Service locations. Expressed concern that this service will be a nuisance to the surrounding neighborhood.

**Gene Feyl** (44 Lakewood Dr) Does not believe that this application goes with the Master Plan and the building has been abandoned since the BMW dealership. Expressed concern for the environmental issues and if they were to do any work on the site it would NJ DEP approval. Mr. Feyl stated that site if located on an Aquifer Sensitive Area and water could be contaminated by this application. Does not believe that there has need enough testimony on the environmental issues urges the board to vote no on this application.

Mr. Paparo questioned Mr. Feyl if by eliminating the hair salon that it would solve the problem incongruent issues that Mr. Feyl brought up as an issue at the 2013 hearing. Mr. Feyl stated that he still is unsure of the other use at the location.

**Bob Grant** (114 Ridgewood Pkwy E)- Stated that this applicant does not support our Master Plan and the building was abandoned when it changed over to a hair salon. Mr. Grant expressed concern for the flooding issue that occur on that site and the high amount of traffic in that particular area. Is not in favor of this application and automobile services is not allowed in this zone for a reason.

Mr. Wiener stated that there has been no legal action taken to state that this building has been abandoned.

**Chris Karcher** (20 Mosswood Trail)- Stated that the application has not established the reasons for a D use variance and a pre-existing non-conforming use. Mr. Karcher expressed concern that this application would be a burden to the surrounding neighborhood.

Public portion closed.

**Joe Paparo, Esq**- Stated the garage is not changing and would still remain a garage. The current retail use is becoming an office use. There is no expansion to this building and has stated by both Mr. Wiener and Mr. Paparo there has been no abandonment. In the 2013 application the main concern was how to work with 2 congruent uses in one building. Mr. Paparo stated that this application is taking control of that
issue is making it one use. The applicant is willing to stipulate any conditions the board may be concerned with regarding the property.

Larry Wiener stated that any conditions made on this applicant and approved would run with the land. Mr. Wiener stated that there has to be an intent to abandoned a building and that did not occur at this site.

**Mbr. Moroney**- Made the motion to approve this application and the applicant has taken the necessary steps to comply with the local ordinances. The conditions Mr. Moroney mentioned are as follows:
- Limit the employee to 8
- Customer overnight parking is 5
- No body work would be done on the property
- No car washing
- No parking on route 46 or neighboring roads
- No testing driving within Lake Arrowhead
- Designating employee parking
- Comply with all township noises ordinances

There was no second motion by any Board Member

Mbr. Fahrer made the motion to deny this application based on the reason that it does not suite the Master Plan. Mbr. Wagner seconded that motion to deny the application

**Mbr. Fisher**- denied the application based on environmental reasons and the increase of flooding in that area.

**Mbr. Caravaglia**- denied the application based on the reason that it does not benefit the public good.

**Mbr. Hong**- denied the application based on the parking issues.

**Chr. Napolitano** – denied the application based on the reason mentioned by the other board members

A motion to deny this application was made by Mbr. Fahrer, seconded by Mbr. Wagner and by certain members of the board

**AYES**- Fahrer, Wagner, Fisher, Caravaglia, Hong, Napolitano

**NAYES**- Moroney

<table>
<thead>
<tr>
<th>Application</th>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>BA 17-11</td>
<td>Gerald Simmons</td>
<td>30 Lenape Trail Block 40909, Lot 24</td>
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<tr>
<td>BA 19-08</td>
<td>Scott &amp; Maria Perry</td>
<td>67 Lake Rd Block 60601, Lot 113</td>
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<tr>
<td>BA/ PSP/FSP 18-32</td>
<td>Norman Dean Home for Services, INC</td>
<td>16 Righter Ave, 5 Hinchman Ave Block 50411, Lot 9.01 &amp; 11</td>
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The following applications have been carried to June 26, 2019.

**OLD BUSINESS- NONE**

**NEW BUSINESS- NONE**
Meeting adjourned at 10:27 PM

Minutes Approved: June 19, 2019
Melissa Unrath, Board Secretary.