

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
August 20, 2015**

The West Orange Zoning Board of Adjustment held a regular meeting on August 20, 2015 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Buechler called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and posted on the Township Bulletin Board on December 11, 2014 in accordance with the "Open Public Meetings Act."

Chairman Buechler asked everyone to stand for the Pledge of Allegiance.

Alice Beirne, Esq., Board Attorney, read the Opening Statement.

PRESENT: Bruce Buechler, Greg Bullock, Diane Nash, Philip D. Neuer,
Bart Quentzel, Irv Schwarzbaum, Mark Sussman, Alice Weiss

ABSENT: D. Gabry (excused)
W. Steinhart (excused)

ALSO PRESENT: Paul Grygiel, Consulting Planner
Frank Russo, Consulting Engineer
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
H. Grossman, Esq., Public Advocate
D. Dillon, Audio-Digital Transcription Service

ANNOUNCEMENTS

Future Meetings: September 17, 2015 (regular meeting) – 8:00 pm
October 15, 2015 (regular meeting) – 8:00 pm
November 19, 2015 (regular meeting) – 8:00 pm

Chairman Buechler announced that application ZB14-08/Sai Hira Ram Trust, Inc. that was scheduled to be heard at this meeting has requested to be carried over to the next regular Zoning Board of Adjustment meeting held on September 17, 2015. He said that no further notice will be required.

MINUTES

Adopt Minutes: July 16, 2015 (regular meeting)

Chairman Buechler asked the Board Members if they had any additional comments to the July 16, 2015 regular meeting that were submitted to them for review. Seeing none, he asked for a motion to approve said minutes.

Mr. Sussman made a motion to approve the minutes of the July 16, 2015 regular Zoning Board of Adjustment meeting as submitted to the Board members; Vice Chairman Neuer seconded the motion and all were in favor.

Mr. Bullock was not present at the July 16, 2015 meeting and did not vote on these minutes.

SWEARING IN

Consulting Planner for the Township, Paul Grygiel, and Consulting Engineer for the Township, Frank Russo were sworn under oath.

RESOLUTIONS

1. ZB-15-06/Fell & Burton

Approved 7/16/15

Block: 161.06; Lot: 34; Zone: R-4

15 Spring Hill Drive

“C” variance for a rear yard setback for an addition to the rear of the home

Chairman Buechler stated that comments were submitted by Vice Chairman Neuer and himself and Ms. Beirne approved those comments and incorporated them into the resolution.

Chairman Buechler asked if any other Board Member had any comments; seeing none Chairman Buechler made a motion to approve the resolution with said revisions.

Mr. Quentzel seconded the motion to adopt.

The vote was as follows:

Bullock:	-	Schwarzbaum:	Yes
Gabry:	-	Steinhart:	-
D. Nash:	-	Sussman:	Yes
Neuer:	Yes	Weiss:	Yes
Quentzel:	Yes	Chairman Buechler:	Yes

2. ZB-15-07/Wakeman

Approved 7/16/15

Block: 164.02; Lot: 36; Zone: R-4

56 Oak Crest Road

“C” variance for widening an existing driveway

Chairman Buechler stated that comments were submitted by Vice Chairman Neuer and Ms. Beirne approved those comments and incorporated them into the resolution.

Chairman Buechler asked if any other Board Member had any comments; seeing none Chairman Buechler asked for a motion to adopt the resolution.

Vice Chairman Neuer made a motion to adopt the resolution with said revisions; Mr. Schwarzbaum seconded the motion.

The vote was as follows:

Bullock:	-	Schwarzbaum:	Yes
Gabry:	-	Steinhart:	-
D. Nash:	Yes	Sussman:	Yes
Neuer:	Yes	Weiss:	Yes
Quentzel:	Yes	Chairman Buechler:	-

3. ZB-15-09/Gurunathan

Approved 7/16/15

8 Knollwood Drive

Block: 161.06; Lot: 23; Zone: R-4

“C” variance to construct an enclosed patio AKA a sunroom in the rear of the House.

Chairman Buechler stated that comments were submitted by Vice Chairman Neuer and Ms. Beirne approved those comments and incorporated them into the resolution.

Chairman Buechler asked if any other Board Member had any comments; seeing none Chairman Buechler asked for a motion to adopt the resolution.

Vice Chairman Neuer made a motion to adopt the resolution with said revisions; Mr. Sussman seconded the motion.

The vote was as follows:

Bullock:	-	Schwarzbaum:	Yes
Gabry:	-	Steinhart:	-
D. Nash:	Yes	Sussman:	Yes
Neuer:	Yes	Weiss:	Yes
Quentzel:	Yes	Chairman Buechler:	-

APPLICATION(S)

1. ZB-15-08/Petrocelli

Carried from 7/16/15

21 Bloomfield Way

Block: 102; Lot: 21; Zone: R-1

“C” variance for constructing a 24’ high accessory building

EXHIBITS

A-1 – Title Sheet dated 3/24/15 Sheet T-1

A-2 – Sheet SP-1 dated 7/24/15

A-3 – Sheet A-1 dated 3/24/15 Garage & Attic Floor Plans

A-4 – Sheet A-2 dated 3/24/15 Building Elevations & Notes

A-5 – Site Photos, Sheet G-1 dated 7/24/15 – Photo P-1 admitted only

A-6 – Aerial Photo Exhibit dated 7/14/15

A-7 – Photo Board – seven photos A,B,C,D,E,F,G

A-8 – New Location of Proposed Garage Plan dated 7/23/15

Joseph Vena, Esq., attorney for the applicant, approached the podium and was sworn under oath.

Vice Chairman Neuer addressed Ms. Beirne and stated that he knows the applicant, Mr. Petrocelli. He said that his company is working on a property where he is Counsel and they have had interactions and asked if he would be disqualified from hearing this application; Ms. Beirne replied no. The applicant raised no objection.

Mr. Vena called the applicant as his first witness.

Dennis Petrocelli approached the podium and was sworn under oath. He stated that he has resided at this house since 1998 and in 2001 they did a major renovation restoring the home’s Victorian elements.

Mr. Vena asked Mr. Petrocelli if there was a garage on the property when he purchased the house; he replied no. Mr. Petrocellis stated that there was a shed but not a garage.

Mr. Vena asked Mr. Petrocelli if there is a concrete pad there now; he replied yes.

Mr. Vena asked Mr. Petrocelli why he would like to build a garage; he said that his wife wanted the garage because their cars are outside all of the time.

Mr. Vena asked Mr. Petrocelli if the proposed garage will have a second level; he replied yes.

Mr. Vena asked Mr. Petrocelli why he is proposing a second level in the garage; he said it will be a loft space used for storage.

Mr. Vena asked Mr. Petrocelli if there will be any plumbing fixtures in the garage; he replied no. Mr. Petrocelli said there will only be a hose in the garage.

Mr. Vena asked Mr. Petrocelli if there will be electric in the garage; he stated that the only electric in the garage will be outlets and a charger for their electric car.

Mr. Vena asked Mr. Petrocelli if he had any discussion with his neighbors about constructing the garage; he replied yes. Mr. Petrocelli said that his neighbor asked him to move the garage over a little from where he originally wanted to build it and he agreed to do that. He said that is the only change that was made.

Mr. Vena stated that the amended plans, showing the change, were submitted to the Board Secretary.

Chairman Buechler asked Mr. Petrocelli if any plumbing beyond the hose is being proposed in the garage; he replied no.

Chairman Buechler asked Mr. Petrocelli if there will be air conditioning or heat in the garage; he replied no.

Chairman Buechler asked Mr. Petrocelli if the variance is only a height issue; he replied yes.

Mr. Quentzel asked Mr. Petrocelli if they will be putting an electric heater in the garage during the winter; he replied no.

Mr. Sussman asked Mr. Petrocelli if he owned the company Matrix; he said Matrix is his wife's company.

There were no further questions for Mr. Petrocelli from the Board Members of the Board Professionals.

Chairman Buechler asked if any members of the public had any questions for Mr. Petrocelli.

Marisa Goetz approached the podium and stated that she lives at 89 Glen Avenue.

Ms. Goetz stated that she has a comment regarding the location of the garage; Chairman Buechler advised Ms. Goetz that she can make a comment at the end of the witness's testimony.

Mr. Vena called the Architect as his next witness.

Robert Scialla approached the podium and was sworn under oath. Mr. Scialla detailed his professional and educational background as a licensed architect in the State of New Jersey.

Chairman Buechler asked Mr. Scialla who he was employed by; he replied Justin Mihalik. Mr. Scialla said that Mr. Mihalik signed the plans and he worked on this project with him.

Chairman Buechler accepted Mr. Scialla as an expert in architecture.

Mr. Scialla presented sheet SP-1 of the plot plan showing the proposed garage.

Chairman Buechler stated that sheet SP-1 with a revision date of 7/24/15 was pre-marked as Exhibit A-2 for identification.

Mr. Scialla referred to Exhibit A-2 and detailed where they are proposing to construct the garage.

Chairman Buchler asked Mr. Scialla if the impervious coverage will increase or decrease; he said that the impervious coverage will slightly increase but it still complies with the Township Ordinance.

Mr. Sussman asked Mr. Scialla to refer to Exhibit A-2 and detail the existing driveway; he complied noting that it is a gravel driveway.

Chairman Buechler asked Mr. Scialla if the gravel was pervious or impervious; he replied pervious.

Chairman Buechler referred to the site plan and asked Mr. Scialla to explain what the wood garden was; he said that area is a tomato garden with rail road ties around it.

Mr. Scialla presented photos of the site.

Chairman Buechler stated that sheet G-1 of photos of the site was pre-marked as Exhibit A-5 for identification.

Mr. Scialla stated that Exhibit A-5 is just testimony, he said it was not part of the submission.

Mr. Vena asked Mr. Scialla if the photos in Exhibit A-5 accurately depict the current property; he replied yes.

Vice Chairman Neuer asked Mr. Scialla who took the photos; he said Justin Mihalik.

Vice Chairman Neuer asked Mr. Scialla if he has been at the site since the photos were taken; he replied no.

Vice Chairman Neuer stated for the record that Mr. Scialla cannot testify to the photos in Exhibit A-5.

Chairman Buechler asked Mr. Scialla if he visited the site or was at the applicant's house; he replied no.

Vice Chairman Neuer recommended that Exhibit A-5 not be entered into evidence.

Chairman Buechler stated that the witness just testified that the photos were accurate and they depict the current property; Mr. Vena said to scratch that from the testimony.

Chairman Buechler said that Exhibit A-5 will not be entered into evidence and Mr. Scialla's statement was struck from the record.

Mr. Vena asked Mr. Scialla if he saw photos of the site when he was working on the application; he replied yes.

Mr. Vena asked Mr. Scialla if he thought that the proposed garage will fit in with the other garages in the immediate area; he replied yes.

Mr. Scialla presented Sheet A-2 of the building elevations and notes.

Chairman Buechler stated that Sheet A-2 of the building elevations and notes dated 3/24/15 was pre-marked as Exhibit A-4 for identification.

Mr. Vena referred to Exhibit A-4 and asked Mr. Scialla if he worked on this with Mr. Mahalic; he replied yes.

Mr. Scialla referred to Exhibit A-4 and detailed it. He compared the building materials being proposed on the garage to the materials on the existing house.

Mr. Vena asked Chairman Buechler if the applicant can come up and identify photograph P-1 on Exhibit A-5; he replied yes.

Mr. Vena referred to Exhibit A-5 and asked Mr. Petrocelli if photograph P-1 accurately depicts his house; he replied yes.

Chairman Buechler stated that photograph P-1 on Exhibit A-5 will be accepted as a photo of the applicant's house and will be entered into evidence.

Mr. Scialla presented the proposed garage and attic floor plans.

Chairman Buechler stated that Sheet A-1 of the proposed garage and attic floor plans dated 3/24/15 were pre-marked as Exhibit A-3 for identification.

Chairman Buechler asked Mr. Scialla if there will be any spot lights on the proposed garage; he said no. Mr. Scialla said there will be lanterns on the garage.

Chairman Buechler asked Mr. Scialla if the materials being used on the proposed garage will match the materials on the existing house; he replied yes.

Mr. Scialla referred to Exhibit A-3 and began detailing the floor plans.

Mr. Sussman referred to sheet SP-1 of Exhibit A-2 and noted for the record that the wood garden with the rail road ties around it was over the property line.

Mr. Sussman asked Mr. Scialla if there was a patio right below the wood garden; he replied yes.

Mr. Sussman asked Mr. Grygiel what the set-backs for patios are; he said that accessory structures are required to be five (5) feet from the property line but he does not think a patio has the same requirement.

Mr. Schwarzbaum asked Mr. Petrocelli if there is an existing basketball court; he replied yes but they are going to remove it because that is where the garage will be constructed.

Chairman Buechler asked Mr. Petrocelli if they are putting the basketball court somewhere else on the property; he replied no.

Mr. Schwarzbaum asked Mr. Scialla what the depth of a car will be in the garage; he said a car can be up to nineteen (19) feet in depth and the normal depth of a garage is twenty four (24) feet.

There were no further questions for Mr. Scialla from the Board Members of the Board Professionals.

There were no members of the public that had any questions for Mr. Scialla.

Mr. Vena called their Professional Planner as his next witness.

Peter VandenKooy approached the podium and was sworn under oath. Mr. Vandenkooy detailed his educational and professional background as a licensed Professional Planner in the State of New Jersey. He said that he has testified many times before in other Towns in New Jersey.

Chairman Buechler accepted Mr. Vandenkooy as an expert in Professional Planning.

Mr. Vandenkooy presented an aerial photo of the site.

Chairman Buechler stated for the record that the aerial photo of the site dated 7/14/15 was pre-marked as Exhibit A-6 for identification.

Mr. Vandenkooy referred to Exhibit A-6 and detailed the zoning of the site and the size of the lot. He stated that all of the surrounding lots are in an R-1 zone and detailed what the applicant is proposing.

Mr. Vandenkooy detailed the properties in the immediate area and stated that he familiarized himself with the area and the other structures in the area. He said that he visited the site and is familiar with photo P-5 in Exhibit A-5 and that the structure in that photo is accurately depicted.

Mr. Vena asked Mr. Vandenkooy if he prepared Exhibit A-6; he said that his firm did.

Vice Chairman Neuer asked Mr. Vandenkooy if he made any changes to Exhibit A-6; he replied no.

Vice Chairman Neuer asked Mr. Vandenkooy where the aerial photo was taken from; he said from the DEP web site.

Vice Chairman Neuer asked Mr. Vandenkooy if the DEP site provided a date when the aerial phot was taken; he said he does not have that information with him.

Mr. Vandenkooy stated that there are a lot of larger accessory structures near the site and identified their location on Exhibit A-6.

Mr. Vandenkooy stated that if the proposed garage was built any smaller it would not be as aesthetically appealing due to the size of the house and the property. He said that the proposed structure will be more complimentary at that size rather than what is allowed by Ordinance due to the area.

Mr. Bullock stated that Mr. Vandenkooy cannot testify that Exhibit A-6 is the current condition of the site because he does not know what year the photo was taken.

There were no further questions for Mr. Vandenkooy from the Board Members or the Board Professionals.

There were no members of the public that had any questions for Mr. Vandenkooy.

There were no members of the public that had any comments.

Mr. Vena made his closing statement and asked the Board Members to approve the application. He said that the design is consistent with what is in Llewellyn Park and the applicant's home.

Chairman Buechler closed the hearing and opened the meeting up to Board discussion.

Chairman Buechler made a motion to approve the application with the following conditions:

- The wood garden depicted on Exhibit A-2 must be re-configured so that the rail road ties are on the applicant's property when they build the garage.
- All the materials used on the garage must match the materials used on the existing house.
- The garage should not have any heat, air conditioning or plumbing except for a hose.
- The garage should have electrical outlets only, lights and power for an electric car.
- Applicant must file a deed restriction within ninety (90) days of the approval of the resolution that the garage cannot be used for living or have plumbing (except for the hose) or heating installed in it.

Vice Chairman Neuer stated that the applicant is bound under testimony and seconded the motions to approve with said conditions.

Chairman Buechler asked Mr. Grygiel if he recommends any additional landscaping; he replied no.

Ms. Weiss stated that she was pleased that Mr. Petrocelli's neighbors are pleased and said that it is an attractive garage.

The vote was as follows:

Bullock:	Yes	Schwarzbaum:	Yes
Gabry:	-	Steinhart:	-
D. Nash:	-	Sussman:	Yes
Neuer:	Yes	Weiss:	Yes
Quentzel:	Yes	Chairman Buechler:	Yes

2. ZB-15-10/T-Mobile Northeast LLC and New Cingular Wireless PCS, LLC

Block: 155; Lot: 40.01; Zone: B-2

8 Rooney Circle

Seeking permanent relief for temporary relief previously granted by the Zoning Board for a wireless communication facility.

Gregory D. Meese, Esq., attorney for the applicant, approached the podium.

Mr. Meese stated that the applicants came before this Board in 2012 requesting to establish a temporary wireless facility at 8 Rooney Circle and were approved at that time. He said they came back before this Board in April of this year asking for an extension of time to relocate the facility and were also approved at that time.

Mr. Meese stated that the applicants went back to the owners of the property asking if they could make the temporary facility a permanent facility and this is why they are here tonight.

Chairman Buechler asked Mr. Meese if there are any changes to the original proposal; he said the only change is that they would like to make the fence permanent and lower it to 6' instead of 6'2".

Chairman Buechler asked Mr. Meese to call all of the Professionals who wrote reports to testify that their reports are accurate; he complied.

The following Professionals approached and were sworn under oath:

- Joseph Menio – Radio Frequency Engineer for T Mobile
- Timothy Kronk – Professional Planner
- Daniel Penesso – Radio Frequency Engineer for AT&T
- David Collins – Pinnacle Telecom Group
- Joshua Cottrell – Professional Engineer

All testified that their reports were accurate except Mr. Penesso who did not submit a report.

There were no questions for any of the Professionals from the Board Members, Board Professionals or members of the public.

Mr. Meese made his closing statements and asked the Board to approve this application.

Chairman Buechler stated that condition #1 of the original resolution remains; condition #2 is released on record; condition #3 remains and condition #4 is deleted.

Chairman Buechler stated that the flag must be maintained and he asked for a motion to approve.

Vice Chairman Neuer approved the application with the conditions stated by Chairman Buechler from the original resolution that will remain.

Mr. Sussman seconded the motion.

The vote was as follows:

Bullock:	Yes	Schwarzbaum:	Yes
Gabry:	-	Steinhart:	-
D. Nash:	-	Sussman:	Yes
Neuer:	Yes	Weiss:	Yes
Quentzel:	Yes	Chairman Buechler:	Yes

Chairman Buechler called for a recess at 9:30 pm.

Chairman Buechler resumed the meeting at 9:40 pm.

3. ZB-15-02/172 CSI Corp. t/a Black & White Taxi Company

44 Washington Street

Block: 118; Lot: 40; Zone: B-1

Seeking site plan approval and a "D" variance for the establishment of a taxi cab business in an existing garage.

EXHIBITS

A-1 – Survey & Parking Plan - Sheet 1 of 4 with a revision date of 4/29/15

A-2 – Photo Board

A-3 – Floor Plan & Elevation – Sheet 2 of 4 with a revision date of 6/22/15

A-4 – Lighting Plan - Sheet 4 of 4 with a revision date of 6/16/15

A-5 – Photograph

A-6 – Photograph (not submitted)

A-7 – Photograph (not submitted)

A-8 – Photograph (not admitted)

Mark S. Winter, Esq., attorney for the applicant, approached the podium.

Mr. Winter detailed the application stating that the property is located in a B-1 zone and that they are requesting a use variance and site plan approval to establish a taxi cab business. He said that commercial uses and businesses are allowed in a B-1 zone but a motor vehicle service station is not allowed. Mr. Winter stated that there is no change to the existing footprint of the building and that the property is well suited for this use.

Chairman Buechler asked Mr. Winter if there are any gas pumps on the site; he replied no.

Chairman Buechler asked Mr. Winter if his client owns any other taxi cabs in other locations; he replied yes.

Mr. Winter called the Architect as his first witness.

Thomas F. Ercolano approached the podium and was sworn under oath. Mr. Ercolano detailed his background as a professional Architect licensed in three states and in the State of New Jersey. He said that he has testified before Boards at least one hundred (100) times in the past.

Chairman Buechler accepted Mr. Ercolano as an expert in Architecture.

Mr. Winter asked Mr. Ercolano if he has been to the site; he replied yes.

Mr. Winter asked Mr. Ercolano if he prepared the site plan; he replied yes.

Mr. Ercolano presented the survey and parking plan.

Chairman Buechler stated that sheet one of four of the survey and parking plan with a revision date of 4/29/15 has been pre-marked as Exhibit A-1 for identification.

Mr. Ercolano referred to Exhibit A-1 and detailed the surrounding area and the existing site.

Mr. Ercolano presented a photo board.

Chairman Buechler stated that the photo board was pre-marked at Exhibit A-2 for identification.

Chairman Buechler asked Mr. Ercolano if he took the photographs; he replied yes.

Chairman Buechler asked Mr. Ercolano if the photographs are accurately depicted; he replied yes. Mr. Ercolano said that he took the photos in the spring of this year and then returned to the site two weeks ago.

Mr. Ercolano referred to Exhibit A-2 and detailed the photographs.

Mr. Ercolano presented sheet two of four of the floor plans and elevations.

Chairman Buechler stated that sheet two of four of the floor plans and elevations with a revision date of 6/22/15 was pre-marked as Exhibit A-3 for identification.

Mr. Ercolano referred to Exhibit A-3 and detailed what is existing and what they are proposing.

Mr. Winter asked Mr. Ercolano to discuss the variance table.

Mr. Ercolano referred to Exhibit A-1 and detailed all of the variance being requested.

Mr. Ercolano detailed the changes that were made to the original proposal that Omland Engineering recommended in a memo dated 6/10/15.

Mr. Ercolano said that the Township's Engineer also requested that the applicant provide landscaping in front of the existing chain link fence in front of the Wigwam Brook. He said that he disagrees because you cannot provide any type of landscape in that area and suggested that they replace the chain link fence only.

Mr. Russo stated that the area Mr. Ercolano is talking about is Township property and the Town would like the applicant to confine all site improvements to their property only.

Vice Chairman Neuer stated that this is not the applicant's problem and they do not have to provide any landscaping or replace the chain link fence. He said that the Town does not want them using their property.

Mr. Winter asked Mr. Ercolano if this site is adequate for this use; he replied yes.

Mr. Winter asked Mr. Ercolano if the applicant is seeking any design waivers; he said they are requesting two design waivers.

Mr. Ercolano referred to Exhibit A-2 and said that the four (4) parking spaces in the front of the building are going to remain. He said that they re-configured the direction of the five (5) parking spaces in the front of the site per Omland Engineering's recommendation.

Vice Chairman Neuer said that even though the four (4) parking spaces in front of the building was a prior use, he feels it should be a variance.

Mr. Winter said that it is a pre-existing non-conforming use but he will amend the application and add the variance for the parking spaces.

Mr. Ercolano said that they are also asking for a waiver for the lighting standards for the level of the foot candles. He said that the foot candles are a very high requirement by Town Ordinance and they would like to lower them.

Mr. Bullock asked Mr. Russo if lowering the lights would be appropriate for this site; he replied yes.

Vice Chairman Neuer stated that the Police should comment on the lighting being proposed.

Chairman Buechler asked Mr. Winter if this is going to be a 24 hour operation; he replied yes.

Chairman Buechler instructed the Board Secretary to reach out to the Police Chief and ask to have someone from the Police Department survey the site to make sure there is adequate lighting being proposed in the front and the rear of the building.

Mr. Bullock asked if anyone knew if there was a taxi cab business in this town at one time; the Board Secretary responded yes.

Mr. Russo stated the applicant satisfied all of the recommendations made in their memo dated 6/10/15 except one concern regarding the small inlets in the back of the building that empty into the Wigwam brook.

Mr. Ercolano said that there will be no spills into the brook. He said there are no hydraulic lifts and no floor drains in the building.

Chairman Buechler asked Mr. Ercolano if there will be a paint booth in the building; Mr. Winter replied to that question and said he does not believe so.

Mr. Sussman asked Mr. Ercolano how many automobiles they will be using; he said he thinks twenty five (25).

Mr. Grygiel asked Mr. Ercolano if they are proposing screening around the trash enclosure; he said that the entire property is fenced in and screened in.

Mr. Grygiel asked Mr. Ercolano if the trash enclosure is visible when the gate is open; he replied yes.

Mr. Grygiel asked Mr. Ercolano if they can put any additional landscaping on the site; he said it is possible.

There were no further questions for Mr. Ercolano from the Board Members or the Board Professionals.

Chairman Buechler asked if any members of the public had any questions for Mr. Ercolano.

John McElroy approached the podium and stated that he owns a business located at 52 Washington Street.

Mr. McElroy asked if the "d" use variance is for the auto repair and not for the taxi cab use; Mr. Grygiel said that his memo stated that the "d" variance is for a taxi company, office and auto repair.

Mr. McElroy asked Mr. Ercolano to explain the issue regarding the chain link fence; he said that the Town asked the applicant to remove it and provide landscaping there. Mr. Ercolano said that they were proposing to remove the wrought iron fence and replace the chain link fence.

Mr. McElroy stated that the cars parked in the front parking spaces have to back out to Washington Street currently. He asked Mr. Ercolano if they can change the flow or improve that; he said that there are only a few movements.

Mr. McElroy asked Mr. Ercolano if landscaping in front of the Wigwam brook would soften the look of that property; he said no he cannot landscape there.

Mr. McElroy asked if the front gate opens to the property line; he said no.

Mr. McElroy referred to Exhibit A-2 and asked if one of the parking spaces will block the front gate; he said yes but a car can still get in and out.

Mr. Winter asked Mr. Ercolano how wide the gate opens; he said approximately 30 feet.

Mr. McElroy asked Mr. Ercolano if the existing bathrooms are ADA compliant; he replied no.

Mr. McElroy asked Mr. Ercolano if they are required to be ADA compliant; he replied no.

Chairman Buechler asked Mr. Ercolano if a customer comes into the building to utilize the bathroom then ADA is required.

Mr. Ercolano said that pre-existing bathrooms are allowed to remain and not required to be ADA compliant.

Mr. McElroy asked Mr. Ercolano if any trees are being proposed; he replied no.

Mr. McElroy asked Mr. Ercolano if the front door will be ADA accessible; he replied yes.

Mr. McElroy asked Mr. Ercolano if the fencing in the rear of the building is on the ground or on the wall; he said on the wall.

Mr. McElroy asked Mr. Ercolano if they are proposing screening on the fence; he said there is screening on the fence now.

Mr. McElroy asked Mr. Ercolano if there are any floor drains on the inside of the building; he replied no.

Mr. McElroy asked Mr. Ercolano what will happen when they wash the taxi cabs; Vice Chairman Neuer stated that there is nothing in the plans for washing the taxi cabs.

Mr. McElroy said that would be an operational question.

Mr. McElroy asked Mr. Ercolano if there are lifts in the building; he replied no.

Mr. McElroy asked Mr. Ercolano how they will do auto repairs without lifts; he said they might use jacks.

Mr. McElroy said that is also an operational question.

Mr. Russo stated that the plans show a 20' gate. Mr. Ercolano said that is not accurate. Mr. Russo stated that the plans need to be cleaned up.

Chairman Buechler stated that they need to measure the gate exactly.

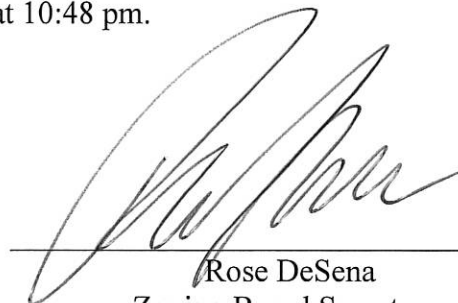
Chairman Buechler noted the time and stated that the meetings end promptly at 11:00 pm.

Chairman Buechler stated that this application will be carried over to the regular Zoning Board meeting held on September 17, 2015 and that no further notice will be necessary.

Chairman Buechler asked Mr. Winter to sign the continuance form and said that all modified drawings must be submitted at least ten (10) days before the hearing.

The meeting was adjourned by Chairman Buechler at 10:48 pm.

Adopted: September 17, 2015


Rose DeSena
Zoning Board Secretary

9/18/15