

**MINUTES  
TOWNSHIP OF WEST ORANGE  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
September 17, 2015**

The West Orange Zoning Board of Adjustment held a regular meeting on September 17, 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.

Patrick Dwyer, Esq., Acting Board Attorney, read the Opening Statement.

**PRESENT:** Bruce Buechler, Deborah Gabry, Greg Bullock, Diane Nash,  
Philip D. Neuer, Bart Quentzel, Irv Schwarzbaum, William  
Steinhart, Alice Weiss

**ABSENT:** M. Sussman (excused absence)

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

**ANNOUNCEMENTS**

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

**PRESENTATION**

Chairman Buechler presented Mr. Bullock with a Certificate of Appreciation and thanked him, on behalf of the Township and the Zoning Board Members, for the many years he has served on the Zoning Board of Adjustment.

## **MINUTES**

**Adopt Minutes:** August 20, 2015 (regular meeting)

Chairman Buechler asked the Board Members if they had any additional comments to the August 20, 2015 regular meeting that were submitted to them for review; there were none.

Chairman Buechler made a motion to approve the minutes from the August 20, 2015 regular Zoning Board meeting and Mr. Schwartzbaum seconded the motion; all were in favor, except for Ms. Gabry and Mr. Steinhart who were not present at the August 20, 2015 meeting and did not vote on these minutes.

Vice Chairman Neuer was present at this meeting but 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.

## **NEW BUSINESS**

Chairman Buechler stated that Vice Chairman Neuer was elected by this Board to sit on the Site Plan Advisory Committee as a representative of the Zoning Board. He said at that time an alternate member was not elected to sit on that Committee in the event that there was a reason that Vice Chairman Neuer could not attend one of the meetings.

Chairman Buechler asked the Board Members if someone would like to volunteer to sit as an alternate member on the Site Plan Advisory Committee; Mr. Quentzel volunteered.

Chairman Buechler made a motion to elect Mr. Quentzel as the alternate member of the Site Plan Advisory Committee; Vice Chairman Neuer seconded the motion and all were in favor

## **RESOLUTIONS**

### **1. ZB-15-08/Petrocelli**

**Approved 8/20/15**

21 Bloomfield Way

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

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

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 asked for a motion to adopt the resolution with said revisions.

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

The vote was as follows:

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

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

**Approved 8/20/15**

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.

Chairman Buechler stated that comments were submitted by 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 asked for a motion to adopt the resolution with said revisions.

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

The vote was as follows:

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

### **APPLICATION(S)**

**1. ZB-14-08/Sai Hira Ram Trust, Inc.**

**Carried from 7/16/1515**

Block: 177.02; Lots: 15.01 & 16; Zone: R-4

23-27 Laurel Avenue

Seeking "D" and several "C" variances for converting two properties

To use as a house of worship and related uses.

Vice Chairman Neuer is recused from hearing this application and stepped down from the dais.

Chairman Buechler stated that this application was last heard at the July 16, 2015 meeting in which all testimony, questioning and public comment was concluded. He said that it was noted at the meeting, on record, that the meetings end promptly at 11:00 pm and the application would be carried over to the August 20, 2015 meeting. Chairman Buechler stated that Mr. Williams would provide his summation at the next meeting and the Board Members would render their decision.

Chairman Buechler stated that at the August 20, 2015 regular meeting, the applicant requested to be carried over to September 17, 2015 meeting because there would have only been six voting members at the August 20, 2015 meeting and, because the applicant is seeking a "d" variance, five (5) affirmative votes are required for a "d" variance.

Chairman Buechler stated for the record that Ms. Gabry, Mr. Bullock, Ms. Weiss and Mr. Schwarzbaum have signed affidavits stating that they have read the transcripts from the previous meetings when they were absent as follow:

- Ms. Weiss – June 18, 2015
- Ms. Gabry – July 16, 2015 regular meeting
- Mr. Bullock – July 16, 2015 regular meeting
- Mr. Schwarzbaum – January 15, 2015, February 19, 2015 & May 21, 2015

Chairman Buechler said that there are seven Board Members eligible to vote at this meeting and asked the attorney for the applicant to approach.

Robert D. Williams, Esq., attorney for the applicant, approached the podium.

Mr. Williams summed up by detailing the application. He said that the applicant has met with the neighbors and has bent over backwards to make everyone happy. Mr. Williams said that the applicant has addressed their concerns and agreed to make those changes.

Mr. Williams asked the Board Members to approve the application.

Chairman Buechler declared the meeting closed and opened the meeting up for discussion by the Board Members, starting with Ms. Weiss.

Ms. Weiss said that she agrees with Mr. Williams in that the applicant revised the project in the best interests of the neighborhood. She said that she is in favor of getting a sixty (60) day demolition permit and would recommend putting a cap on the number of people that will be part of the congregation. Ms. Weiss said that what the applicant is proposing to do to this site is better than what is there now.

Mr. Quentzel said that he also agrees with Mr. Williams and Ms. Weiss in that the applicant has done a good job appeasing all parties involved. He said that he feels that there is adequate parking spaces for the number of congregants and the applicant helped with the existing drainage problem. Mr. Quentzel said that he would be in favor of the application.

Mr. Steinhart said that he is pretty much in favor with the application and agrees with Ms. Weiss and Mr. Quentzel. He said that the applicant is proposing tremendous improvements to the property and he thinks that it is a great use and compatible with the surrounding uses.

Ms. Gabry said that she agrees with her colleagues. She said that the applicant amended the plan and has gone to extremes to appease the neighbors. Ms. Gabry said she is concerned with the cars being able to turn left out of the parking lot on to Laurel Avenue but feels the use fits in with the area and she would vote yes to approve.

Mr. Bullock said that he agrees with Ms. Gabry. He said that early on he was not in favor of the project but the applicant has come a long way in addressing the concerns of the neighbors and the problem areas. Mr. Bullock said that he would recommend conditions to address the traffic problem concerns.

Mr. Schwartzbaum said that the applicant improved the zoning and will be making a big improvement to the site. He said that he has a concern about the projected number of people attending especially if it was sold in the future to a similar use. Mr. Schwartzbaum said he would suggest a condition if there is a sale or change of religion they would have to come back before this Board because it would change the parking situation.

Chairman Buechler asked Mr. Dwyer if the Board could legally impose a restriction if they were to sell the property that they would be required to come back to the Board to let them know who the buyer is; he asked if that would be enforceable. Mr. Dwyer said that if it was triggered by just a sale, the variances go with the land and that is not enforceable.

Chairman Buechler asked for a suggestion regarding the applicant selling at a future date and the use becomes more intense.

Mr. Grygiel said that the parking is triggered by the number of seats. He said that if the congregation grew it would be the same issue and they would have to come back before the Board for a parking variance.

Chairman Buechler referred to Exhibit A-6 regarding the schedule for the House of Worship i.e. the hours and holidays. He said he would recommend that the applicant agree to a condition that they would have services on certain dates and times and also that no guest are to sleep over in the temple building.

Chairman Buechler stated that the applicant has no obligation to install piping for the new sewer line; he said that if the neighbors wish to have it built they should reach out to Mr. Williams not and do it while construction is being done.

Mr. Steinhart said that the applicant may want to consider sharing the expense of the sewer line as to avoid disruption.

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

- Basement must not be completely finished
- Trees are to be planted where Mr. Russo from Omland Engineering recommends
- The schedule for the hours of worship must be adhered to as stipulated in Exhibit A-6
- The main temple could hold meetings on other hours
- File the "as built" drawings with utilities before a cco is issued
- Items from the Omland Engineering memo dated 11/17/14 must be satisfied
- Relocation of existing fire hydrant
- Additional three (3) to four (4) trees to be planted
- Mulch the landscaped area to make the lawn higher
- Slot the pipe leading to the County road
- Demolition permit and demolition of existing structure must be completed ninety (90) days after the approval of the resolution
- The roof leaders must be 12"
- The sanitary sewer line and sewer line easement run in favor of both the Township and the property owners
- Applicant must submit a copy of the easement to the Township Attorney and the Zoning Board Attorney before it is filed
- Applicant must provide the Zoning Board Attorney, within ninety (90) days after the Board has approved the application, a copy of the draft letter addressed to the neighbors advising them to install the sanitary sewer during the construction period and request a return receipt
- Relocate the sewer drain to accommodate the future sewer line
- Install bollard light fixtures on the walkways between the care takers house

- Submission of the storm water manual plan yearly and the annual report due April 1 of each year
- LED lights to be installed in all light fixtures
- Approval of the Township's Health Department regarding the closing of the well
- Submit certification as to whether a permit is needed to construct the 6' wall
- Provide engineering estimate for construction
- Applicant must obtain approval from the County Soil Conservation Board
- Deliveries to the property between 10 am and 2pm except Thursdays
- Deliveries by box trucks only
- The kitchen must be a residential kitchen; not a commercial kitchen
- Waiver for the EIS and the traffic report approved
- No guests are to sleep in the temple building
- People can only park in the approved parking area and not on the grassy area
- If the property is sold or leased in the future it must comply with the Townships CCO requirements
- Lots are to be merged
- Water diameter must be identified
- Inlets must be identified
- Per John Linson's memorandum dated 9/30/14 a tree removal application must be submitted
- Dust to dawn lights must be on a timer
- LED lights to be used for the exterior lighting
- Pre-construction meeting with the Township required before construction starts
- Omland will work with the design engineer on any storm water related or landscaping conflicts
- Soil removal permit is required

Ms. Weiss stated that she disagrees with setting a condition requiring no left hand turn out of the driveway on to Laurel Avenue.

Mr. Steinhart said that he agrees with Ms. Weiss stating that, by requiring a right hand turn only on to Laurel Avenue out of the main driveway, the Board may be creating a situation that they are trying to improve.

Ms. Gabry said that she would recommend a no left hand turn on to Laurel Avenue during restricted hours.

Chairman Buechler stated that the consensus is that there will be no restrictions turning out of the driveway on to Laurel Avenue.

Chairman Buechler stated that the resolution should reflect that this Board has made a determination and met the requirements of the Township Ordinance and statute with regard to the variances sought in this application for the negative and the positive criteria.

Chairman Buechler said the applicant made a tremendous effort to move the building to appease the objectors and addressed the traffic concerns of the objectors who said that this would create more traffic by presenting a traffic expert in which his testimony was accepted.

Chairman Buechler stated that, by removing the house that squatters were living in, this is a positive benefit to the Township.

Chairman Buechler stated that there was an issue raised with Exhibit A-26 not being properly presented before the Board. He said that Exhibit A-26 prepared by Mr. Steck was not part of his original report submitted in April and was moved into evidence. He said that there was an objection to that and the Chairman stated that the admission was not in error and was entered. Chairman Buechler stated that members of the public could have questioned Mr. Steck that evening without any hindrance.

Chairman Buechler stated that the resolution will be prepared for the October 15, 2015 regular Zoning Board meeting.

Ms. Gabry seconded the motion to approve with said conditions.

The vote was as follows:

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

**2. ZB-15-02/172 CSI Corp. t/a Black & White Taxi Co. Carried from 7/16/15**

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-9 – Aerial Photograph**

It was noted for the record that Mr. Steinhart and Ms. Gabry did not attend the last meeting held on August 20, 2015, when this application was last heard, and did not stay for the remainder of the meeting. Vice Chairman Neuer is eligible to participate in hearing this application and he resumed his place at the dais.

Mark S. Winter, Esq., attorney for the applicant, approached the podium, Mr. Winter stated that the application was last heard at the August 20, 2015 meeting and detailed the application.

Mr. Winter called the owner of the Taxi Company and the property as his first witness. Konstantinos Staikos approached the podium and was sworn under oath. He said that he is the owner of the property located at 570 Bloomfield Avenue in Bloomfield New Jersey as well as being the owner of the applicant, Black and White Taxi Company.

Mr. Winter asked Mr. Staikos how long the Black and White Taxi Company has been in business; he said eighty (80) years.

Mr. Winter asked Mr. Staikos when he purchased the Black and White Taxi Company; he said twenty (20) years ago.

Mr. Winter asked Mr. Staikos how many locations he has for the taxi company; he said four (4). Mr. Staikos said they are located in Bloomfield, Belleville, Montclair and Caldwell New Jersey.

Mr. Winter asked Mr. Staikos how many taxi cabs in his fleet; he said twenty five (25).

Mr. Winter asked Mr. Staikos where he currently keeps the taxi cabs; he said in Bloomfield. He said he parks them at his Bloomfield Avenue property and rents ten (10) parking spaces in the municipal parking lot in Bloomfield.

Mr. Winter asked Mr. Staikos what the hours of operation are for the company; he said that dispatchers are on call 24/7 and repairs to the cabs are done on Monday to Friday between 7 am and 5 pm; Saturday between 8 am and 2 pm. He said they are closed on Sunday.

Chairman Buechler asked Mr. Staikos what the Belleville facility is; he said it is just an office. Mr. Staikos said that there is no office in Montclair and Caldwell; he said that they just have a license to operate in those towns. Mr. Staikos said that they are proposing a satellite office in West Orange and will keep their office in Bloomfield.

Mr. Schwartzbaum asked Mr. Staikos where they repair their taxis; he said on Glenwood Avenue in Bloomfield.

Chairman Buechler asked Mr. Staikos how many vehicles he parks in Bloomfield; he said eighteen (18).

Chairman Buechler asked Mr. Staikos if he has an office and repair facility in Bloomfield; he replied yes. Mr. Staikos said he has an office on Bloomfield Avenue and a repair facility on Glenwood Avenue.

Chairman Buechler asked Mr. Staikos if he owns both of those facilities; he replied yes.

Chairman Buechler asked Mr. Staikos if he parks taxi cabs where his office is located in Bloomfield; he replied yes. Mr. Staikos said he also rents ten (10) parking spots in the Municipal Parking lot in Bloomfield.

Chairman Buechler asked Mr. Staikos how many taxi cabs he owns; he said twenty five (25).

Chairman Buechler asked Mr. Staikos if he will acquire more taxi cabs if he opens up in West Orange; he said not right away. Mr. Staikos said he will give up the ten (10) parking spaces he leases in the Municipal lot in Bloomfield and move them to the West Orange location.

Mr. Schwartzbaum asked Mr. Staikos if they repair other vehicles other than their own vehicles; he replied no.

Mr. Winter asked Mr. Staikos if he attempted to get a license in West Orange; he said yes. Mr. Staikos said that he went to the Township Clerk and she advised him to acquire a location before he got a license.

Mr. Winter asked Mr. Staikos why he wants to open an office in West Orange; he said that the site was perfect for his taxi business because it is fenced in and a secure space for his taxis. Mr. Staikos said he also has many clients in West Orange.

Mr. Winter asked Mr. Staikos what the hours of operation will be for West Orange; he said that the taxi dispatch will be 24 hours a day 7 days a week and the hours for auto repair will be the same as in Bloomfield.

Mr. Winter asked Mr. Staikos if he has call takers; he replied yes. Mr. Staikos said dispatchers are called call takers because it is done by computer now.

Mr. Winter asked Mr. Staikos what the call takers shifts will be; he said that there will be three (3) shifts of eight (8) hours.

Ms. Weiss asked Mr. Staikos if call takers work at home or in the office; he said in the office.

Chairman Buchler asked Mr. Staikos if he has call takers in the Bloomfield office; he replied yes. Mr. Staikos said he has two (2) call takers that work two (2) shifts.

Mr. Winter asked Mr. Staikos how many shifts he has for the drivers; he said two (2) shifts.

Mr. Winter asked Mr. Staikos if the two shifts run from eight (8) to eight (8) or do they stagger the hours; he said that they stagger the night time hours because it is not as busy as during the day.

Mr. Winter asked Mr. Staikos how many taxi cabs are out during the day time; he said twenty five (25).

Mr. Winter asked Mr. Staikos how many taxi cabs are out during the night time; he said ten (10).

Chairman Buechler asked Mr. Staikos if his vehicles have signage on them; he said yes.

Mr. Winter asked Mr. Staikos if some of the drivers take the taxis home with them; he said yes.

Mr. Winter asked Mr. Staikos what percentage of drivers take the taxis home with them; he said approximately 35%.

Mr. Winter asked Mr. Staikos if there is sufficient parking spaces on the proposed site; he replied yes.

Mr. Winter asked Mr. Staikos if he will have any off-site parking; he replied no.

Mr. Winter asked Mr. Staikos what type of maintenance they do to the vehicles; he said general maintenance.

Mr. Winter asked Mr. Staikos if there will be hydraulic lifts on the property; he said no. Mr. Staikos said that they have above ground electric lifts.

Chairman Buechler asked Mr. Staikos how high an electric lift can lift a car; he said four (4) to five (5) feet high.

Mr. Winter asked Mr. Staikos if they intend on painting vehicles on site; he said no.

Vice Chairman Neuer asked Mr. Staikos if they will be doing oil changes; he said yes.

Vice Chairman Neuer asked Mr. Staikos what happens if they have spills; he said they use a dry cleanup method.

Vice Chairman Neuer asked Mr. Staikos how they dispose of it; he said that they put it in cans and a company comes and picks it up.

Mr. Winter referred to Omland Engineering report dated 7/25/15 and asked Mr. Staikos how many vehicles they will be storing on site overnight; he said approximately ten (10).

Mr. Winter asked Mr. Staikos when the first shift starts; he said 7am.

Chairman Buechler called for a recess at 9:33 pm.

Chairman Buechler resumed the meeting at 9:43 pm.

Mr. Winter asked Mr. Staikos if they will be washing the vehicles at the site; he replied no. Mr. Staikos said that they take the vehicles to a car wash.

Mr. Schwartzbaum asked Mr. Staikos what plan he has for splitting the twenty five (25) vehicles he owns between Bloomfield and West Orange; he said that if he gets approved he will give up the ten (10) parking spots in the Municipal parking lot in Bloomfield and move them to West Orange at night.

Mr. Quentzel asked Mr. Staikos how many licenses he wants to get in West Orange; he said four (4). Mr. Staikos said you have to have one license for each cab you operate in that town.

Mr. Schwartzbaum asked Mr. Staikos how he can currently operate in West Orange if he does not have a license in West Orange; he said that he cannot solicit business in West Orange but if someone calls him then he can pick them up.

Mr. Schwartzbaum asked Mr. Staikos what kind of security he is proposing; he said video and secure doors. Mr. Staikos said there will not be any money in the office.

Mr. Bullock asked Mr. Staikos how old his drivers have to be; he said that the age range for his drivers is twenty one (21) and older.

Mr. Bullock asked Mr. Staikos if his drivers have to be citizens; he said that they have to have permanent residence and a green card.

Chairman Buechler asked Mr. Grygiel if all of his questions in his memo dated 6/17/15 were answered; he said that the landscaping is up to the Board Members.

Mr. Quentzel asked Mr. Staikos if the property is completely paved; he replies yes.

Mr. Russo asked Mr. Staikos if the gate opens manually; he replied yes.

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

Chairman Buechler asked if any members of the public had any questions for Mr. Staikos. John McElroy approached the podium and stated that he owns a business at 52 Washington Street.

Mr. McElroy asked Mr. Staikos where the three bays are located; he said there are two inside of the building and one in the rear of the building.

Mr. McElroy asked Mr. Staikos where the bays are delineated on the plans; he said on the floor plans.

Mr. McElroy said that the floor plans show the overhead doors but do not delineate where the bays are.

Mr. Winter called the architect, Mr. Ercolino.

Chairman Buechler stated that Mr. Ercolino is still under oath and asked him to point out where the bays are on Exhibit A-3 of the floor plans.

Mr. Ercolino referred to Exhibit A-3 and defined where the overhead doors are located on the floor plans and said that there is plenty of room for three bays behind those doors.

Mr. McElroy asked Mr. Ercolino if there is room for more bays; he replied no.

Mr. McElroy asked Mr. Ercolino how they calculated parking without showing the bays; Mr. Grygiel responded and said that by Township Ordinance one parking space per bay is required. He said that they do not require a variance for parking spaces.

Mr. McElroy said that the plans are incomplete.

Mr. McElroy asked Mr. Staikos if they have a dispatch operation in the Bloomfield location; he replied yes.

Mr. McElroy asked Mr. Staikos if the dispatch operation in Bloomfield is computerized; he replied yes.

Mr. McElroy asked Mr. Staikos if there is a need to have two dispatch locations and bring a twenty four (24) hr. operation to the West Orange site; he replied yes. Mr. Staikos said he is looking to expand to the West Orange market.

Ms. Weiss stated that Mr. Staikos said that he needed to acquire a location to get a license in West Orange.

Mr. McElroy asked Mr. Staikos to define on Exhibit A-1 of the parking plan where the employees will park; he complied.

Mr. McElroy asked Mr. Staikos if twenty five parking spaces will be sufficient; he said that he needs less than that but hopes to utilize all of them in the future.

There were no further questions for Mr. Staikos.

Mr. Winter called the applicant's Professional Planner as his next witness.

Michael F. Kauker approached the podium and was sworn under oath. Mr. Kauker detailed his educational and professional background as a licensed Professional Planner in the State of New Jersey. He said that he has testified before Zoning and Planning Boards many times of the past thirty (30) years.

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

Mr. Winter asked Mr. Kauker if he reviewed the plan; he said yes. Mr. Kauker said he reviewed the 2010 Master Plan update, the reports from the Professionals, the Township's zoning ordinance and the site plan. He said that he visited the site three (3) times and evaluated the use variance application.

Mr. Kauker presented an aerial photograph.

Chairman Buechler asked to have the aerial photograph marked as Exhibit A-9 for identification.

Chairman Buechler asked Mr. Kauker the source of the aerial photograph; he said he got it from tax records.

Mr. Kauker referred to Exhibit A-9 and detailed the surrounding area.

Vice Chairman Neuer stated that Exhibit A-9 does not accurately depict the property line; Mr. Kauker said that the Exhibit was presented to show the surrounding uses.

Vice Chairman Neuer asked Mr. Kauker if he visited the site; he replied yes. Mr. Kauker said he visited the site three (3) times and walked the surrounding area.

Vice Chairman Neuer asked Mr. Kauker if Exhibit A-9 accurately depicts the area; he replied yes.

Mr. Kauker stated that the site is in a B-1 zone; he said there is an industrial district behind the site and he detailed what businesses are in the area.

Mr. Kauker detailed the special reasons to approve this application stating that this site is suited for this use and there is indoor garage space for repairs that will be done on the inside of the building only. He said that there is adequate parking for this use and there will be a low volume of traffic coming in and out of the site.

Vice Chairman Neuer asked Mr. Kauker if he is a Professional Engineer; he replied no.

Mr. Winter asked Mr. Kauker if it satisfied the negative criteria; he said yes and detailed it.

Mr. Kauker cited the 2010 Master Plan and said that they will be taking a vacant property and cleaning it up to establish a new viable business. He said that this business is compatible with the existing businesses in the area.

Chairman Buechler asked Mr. Kauker if he wanted to modify anything in his report dated 2/9/15; he said no.

Chairman Buechler asked Mr. Kauker if he stands by his report dated 2/9/15; he replied yes.

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

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

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

Mr. McElroy asked Mr. Kauker to elaborate on the site having six (6) additional parking spaces; he said if need be there could be six (6) additional parking spaces and detailed where they would be located on the site.

Mr. McElroy asked Mr. Kauker to explain how this application will improve the site; he detailed all of the improvements that will be made to the site.

Mr. McElroy asked Mr. Kauker if this site can be used for a retail store; he said not without substantial improvements.

No other member of the public had questions for this witness.

There were no further witnesses.

Chairman Buechler opened up the meeting for public comment.

John McElroy approached the podium and was sworn under oath. Mr. McElroy stated that he owns a business located at 52 Washington Street and he has an issue with the “d” variance for auto repair. He said that it is not a repair shop variance.

Vice Chairman Neuer stated that the application states that it is a taxi cab business and a garage to service the taxis. He said that testimony is that only repairs are to be done by the taxi business for their own vehicles and not as a repair shop open to the public.

Mr. McElroy said that fleet maintenance is part of another business; he said that the variance should be for the taxi cab business and not for auto repair.

Mr. McElroy stated that the notice sent out by the applicant was incorrect.

Vice Chairman Neuer stated that the Zoning Board attorney already accepted the notice as being correct. He asked Mr. McElroy to move on.

Mr. Grygiel said that his memo dated 6/17/15 stated that the “d” variance was for a garage, taxi business and an office. He said that it is a pre-existing non-conforming use and the catch all of the notice is for all variances.

Mr. McElroy said that there is no variance for backing cars out on to the public right away; Chairman Buechler said there is not a variance required for that.

Mr. McElroy said that the plans are incomplete because it does not show the bays on the plans and they have the wrong parking calculations. He said that a traffic study should have been done, there is a parking space blocking the gate and no landscaping is being proposed. Mr. McElroy said there are a lot of problems with this application and he thinks it should be denied.

Chairman Buechler asked Mr. McElroy how many cars he has on his property; he said approximately eighty (80).

Chairman Buechler asked Mr. McElroy if there is any landscaping on his property; he said yes there are trees along the side of his property. Mr. McElroy said that when his variance was granted, he was required to put grass slats on the fence.

There were no further comments from the public.

Mr. Winter summed up and detailed why the Board should approve this application.

Chairman Buechler declared the meeting closed and opened the meeting up for comments from the Board Members.

Vice Chairman Neuer said that this is a substantially better use than what is there today. He said that the positive and negative criteria have been established and that the configuration of the site is suited for this business and will not create a negative impact on the area.

Vice Chairman Neuer said that the applicant is credible and he will vote in favor of this application.

Mr. Bullock said that he agrees with Vice Chairman Neuer but feels that the plans are inadequate in a few areas. He said that he is suggesting that the applicant update the plans to show where the bays are going to be and submit a photo of the electric lifts so that the Board can see what one looks like. Mr. Bullock said that they are proposing good improvements.

Chairman Buechler stated that the Board can impose a condition to update the drawings and submit a photo of the electric lifts.

Vice Chairman Neuer said that additional landscaping may be required by the Consulting Planner.

Mr. Schwartzbaum stated that the site is suitable for the use and it will be a big improvement. He said the he would recommend that the applicant repair the wrought iron fence along the western portion of the site.

Mr. Quentzel said that he would recommend putting some planters in front of the building instead of landscaping and he is in favor of the application.

Vice Chairman Neuer made a motion to approve the application subject to the following conditions:

- Applicant must submit revised floor plans prior to ten (10) days before the next meeting that delineate the three bays.
- The applicant can utilize no more than three (3) bays.
- Applicant must submit photographs depicting the electric lift and delineate where the lifts will be located on the plans.
- Landscaping approval by Mr. Grygiel noting that planters are a suggestion from the Board Members.
- Wrought iron fence along the western portion of the property must be repaired.
- Repairs are to be done only to vehicles owned by the business.
- No major repairs or car washing on the property.
- Dry method to be used for oil spills when changing the oil and must be picked up.
- Overnight storage of the taxi cabs to be in the back behind the gate.

Chairman Buechler seconded the motion to approve with said conditions.

The vote was as follows:

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

The meeting was adjourned by Chairman Buechler at 11:07 pm.

Adopted: October 15, 2015

  
Rose DeSena  
Zoning Board Secretary