



is not a reason for approval. Melvina Fakazis commented that the police report is important for safety and sight. J.J. Clancy commented that, according to the police report, the fence does not obstruct vision, however, the Police Department does not enforce the Zoning ordinance, the Zoning Officer does.

Placing the fence on a diagonal at the corner would involve moving 2 sections of it approximately 2 feet. Exhibit A-7 was presented showing this scenario. The Board members felt that this alternative plan is appropriate.

Melvina Fakazis opened the meeting to the public and so carried.

No Public Comment.

The meeting was closed to the public.

A motion by David Rice, seconded by Melvina Fakazis in approval of the alternate plan shown on Exhibit A-7; to move 2 sections of the fence on the corner of Rivervale Road and Brookside about 2 feet diagonally; on roll call vote, all in favor, the motion carried.

**05-28 Anita Tires, 678 Westwood Avenue, Block 1801, Lot 18**

Brian Giblin, Board Attorney recommended to the applicant's attorney that he wait until Kevin Martin arrived before starting testimony. The attorney and applicant concurred.

**06-01 Valente, Mr. Mrs., 371 Rivervale Road, Block 1301, Lot 31**

Lot width and lot frontage

Carmine Alampi, Esq. representing the applicant and Steven Smith, Professional Planner / Land Surveyor were present. Mr. Alampi reported that the property in question is located in an A-1 residential zone. The lot is 75 ft. in width at the front road. Notices and Affidavit of Service were in place. Mr. Alampi proceeded to explain that 15 years ago a sub-division was attempted and then withdrawn. Wetlands and stream encroachment permits were concerns at that time. A single family home is proposed on a lot 4 times the required minimum lot size. A variance is required due to the 75 ft. width at the road. All wetland materials were provided to Joseph Zaniello, Engineer last year and are on file with the Department of Environmental Protection. Permits are valid through 2007 and 2008. A contribution would be provided to a land bank for the passage of the driveway area.

Steven Smith, Professional Planner / Land Surveyor was sworn in by Brian Giblin, Board Attorney. He presented his qualifications which were accepted by the Board. He stated that he started with the this application in 1993. A key map marked as Exhibit A-1, a survey marked as Exhibit A-2 and A-3 (2 sheets) were dated 1-19-06. The lot is oversized and odd shaped consisting of approximately 4.7 acres in an A-1 zone. Mr. Smith reviewed variances requested due to 2 pre-existing nonconforming conditions. Exhibit A-3 show cross sections for the driveway, wetlands and flood plane affect the property. Mr. Alampi commented that if there were no wetlands, 5 individual homes could be built

on the property. Mr. Smith concurred.

Mr. Alampi commented that if a variance were granted to allow for a driveway to be constructed it would be without detriment to the public. The proposed house would be constructed at a lot width area of 250 ft. In referring to the Municipal Land Use Law, Mr. Alampi saw no negative impact on granting the variances. Mr. Smith concurred. Mr. Smith advised that John Gribbin, of Jaman Engineering Associates performed an analysis on water run-off / drainage on December 17, 2005 which was forwarded to Joseph Zaniello. He read a section of a February 16, 2005 report (item #4) pertaining to water run off and seepage pits.

Mr. Alampi reported that soil moving permits are calculated but have not been filed with the Board. Retaining wall calculations will be submitted to the Board Engineer. Mr. Alampi felt that comments and concerns contained in Joseph Zaniello's letter were addressed. Mr. Smith advised that the layout of the property has not changed since 1993.

J.J. Clancy inquired that since date of submission to the DEP, has the C-1 designation been addressed. Mr. Smith responded that DEP approval was received prior to C-1 designation taking effect. Permits were extended in 2004 to 2007 and 2008. A mitigation plan was delivered according to Mr. Alampi. Mr. Clancy discussed fire protection and safety. Mr. Alampi agreed and did not know if referral has been made to the Fire Department. Mr. Giblin advised that this would be a condition subject to Fire Department review. He reported that the file was reviewed by Christopher Statile, Engineer and himself regarding C-1 designation and Mr. Statile felt there were no concerns in this regard.

Steven Smith reported that the width of the driveway at 12 ft. is based on DEP requirements. J.J. Clancy inquired where the sewer line would be located and how flooding would be eliminated onto the property to the North. Mr. Smith advised that sewer pipes would be installed underneath the driveway and the property to the North would not be impacted by flooding.

Robert Adamo asked what type of material would be used between the driveway and the retaining wall. His concern is with a fire truck entering and exiting the property safely. Mr. Smith advised him that compacted solid material would be placed on either side of the 12 ft. driveway.

Robert Fortsch commented on the driveway placement over wetlands, driveway fill and stream encroachment and the fact that the applicant had approximately 70 ft. frontage at the road and are seeking 150 ft. He was not comfortable with the proposal.

Carmine Alampi assured the Board that all appropriate approvals on the application have been received.

David Rice commented on flooding and heavy rain. Steven Smith advised that the flood plain had been met by the DEP and that the house would be outside of the flood plain. The house would be raised slightly and would not have a basement. Melvina Fakazis commented on water run-off and inquired if water runoff would affect neighbors. Mr. Smith responded "no" and proceeded to explain

underground sewer pipes and placement of a 1000 gallon pump tank.

Thomas Pospisil commented that the driveway would be between 2 retaining walls and asked how water would run off. Mr. Smith responded, that any water in the center would run to both sides of the walls. on the low side the water would run downhill, on the high side, it would run towards the wall.

Melvina Fakazis opened the meeting to the public and so carried.

Raymond Bruppacher, 365 Rivervale Road, resides next door. He stated that flooding is his major concern. He advised that since the Valente's dumped fill and created a driveway he gets a lot of water on his side of the property and since the Holdrum school property was paved, he gets water from that direction as well. Mr. Alampi recommended Mr. Bruppacher be sworn in. Mr. Bruppacher was sworn in by Brian Giblin, Board Attorney. Melvina Fakazis inquired if the dumped fill driveway would be removed and if so would it resolve the water run off problem. Steven Smith replied that the fill would be removed and that the driveway would not be constructed if a problem exists.

Robert Adamo referred to the survey map and inquired if the topographic study was done after the alleged dumping occurred. Steven Smith did not know when the dumping took place but referred to "piles" shown on the topographic study and assumed it was prepared after. Kevin Martin pointed out that the topographic map is 16 years old. Mr. Bruppacher recalled that dumping took place around 1992.

Robert Adamo commented that the DEP is aware of grades and wetland flags but he recommended the Fire Department provide input and that neighbors concerns be rectified.

David Herdrich, 376 Rivervale Road, inquired if a fire truck would have a turn around. The answer was "no", the truck would need to back out about 800 ft. Steve Smith explained the placement of sewer lines under existing critter holes. Mr. Herdrich asked what type of water run off there would be. Mr. Smith responded just rain water, no fertilized water.

Michael MacEntire, 379 Rivervale Road, was sworn in by Brian Giblin, Board Attorney. He suggested obtaining confirmation from the DEP that they are aware of the debris dumping. Mr. Alampi advised that although Mr. Zaneillo is no longer the engineer, a review letter was submitted dated February 16, 2005. Michael MacEntire commented that the DEP granted approval based on topographical maps that did not incorporate changes made. He stated that when the alleged dumping occurred, maybe that was against regulations at that time. Mr. Alampi stated that the DEP visited the site and that their plans were revised to 2002. They made site inspections to approve the permits. A copy of Joseph Zaneillo's letter dated February 16, 2005 was provided to the Board.

Bernard Barker, 595 Sunset Road, witnessed the debris being dumped. He is a former member of the Planning Board and reported that clean up of debris is the responsibility of the homeowner. He felt current testimony is inappropriate. He commented that the sewer pipes should be above water level not under water level as proposed. Mr. Barker submitted an e-mail which was marked as Exhibit 0-1

and dated January 19, 2006. Mr. Alampi made it known, for the record, that he objected to the e-mail which he defined as a threat of litigation.

The meeting was closed to the public. Kevin Martin arrived at 9:05 p.m.

Kevin Martin discussed current water problems in the area, especially lots 30 and 52. Steven Smith referred to the survey and discussed water drainage of the lots. He stated that any debris outside the buffer area could not be removed according to the DEP. Melvina Fakazis recommended carrying the application pending Fire Department and Board Engineer review.

Mr. Alampi made it clear that according to Municipal Land Use Statutes, the DEP has jurisdiction and is a higher authority. He objected to resident comments and advised that the entire DEP file is available for re-review. He stated that a variance request is before the Board not site plan review.

Mr. Giblin stated that ingress and egress for Fire Department and emergency vehicles needs to be reviewed.

The application was carried to the February 16, 2006 meeting.

**05-28 Anita Tires, 678 Westwood Avenue, Block 1801, Lot 18 – Use expansion application**

Kevin Martin took his position as Chairperson.

Thomas Pospisil recused himself and left the dais. Because this was the last application for the evening Mr. Pospisil left the meeting at 10:15 p.m.

The applicant's attorney, Robert Tafuri, advised that Joseph Burgis, Planner, and Douglas Doolittle, Engineer were present as was the applicant Aristole Manatas. Affidavit of Service was submitted and marked as Exhibit A-1, along with the application package and photographs previously submitted were marked as Exhibit A-2. Exhibit A-3 is a site plan map revised 09/08/2005.

Aristole Manatas, owner of Anita Tires for the past 8 years, was sworn in by Brian Giblin, Board Attorney. Mr. Manatas described services performed at the business and the current layout of the first floor. The second floor has three tenants. The business has 6 full time employees and the hours are 8:00 a.m. to 5:00 p.m. Monday thru Friday. Saturday hours are 8:00 a.m. to 2:00 p.m. No Sunday hours. Mechanic and repair work is done inside the building; tire work is done outside. Parking is sufficient.

The purpose of the expansion is to add 2 additional service bays for a total of 4 and use current space for storage. Currently tires are picked up once every 2 weeks for disposal by a recycling company. A parking space will be enclosed with fencing to store the tires for pick up. A railroad tie wall will be replaced. David Rice inquired if any hardships with the neighbor, who is close to the building. Mr. Manatas responded no, he has a good relationship with the neighbor.

Kevin Martin opened the meeting to the public and so carried.

No Public Comment

The meeting was closed to the public.

Douglas Doolittle, Engineer was sworn in by Brian Giblin, Board Attorney. He presented his qualifications which were accepted by the Board.

Mr. Doolittle reviewed the site plan. Kevin Martin inquired if the handicapped parking space would be located in the rear of the building. Mr. Doolittle responded yes, in order to allow for better egress and ingress. The railroad tie wall will be replaced by a 3 ft. treated timber wall. Seepage pits, drainage runoff and use of the concrete slab were reviewed. Shielded, screened lighting is proposed on the east side.

Joseph Burgis, Planner was sworn in by Brian Giblin, Board Attorney. Mr. Burgis presented his qualifications which were accepted by the Board. Mr. Burgis proceeded to provide special reasons to support the application. He stated that the application would enhance public good with no substantial impairment to the Master Plan.

Kevin Martin inquired if all disposable tires would fit into an area the size of one parking space. Mr. Manatas replied that if necessary, more frequent pick up would be requested. The facade would be the same on the expansion as on the existing building.

Kevin Martin opened the meeting to the public and so carried.

No Public Comment

The meeting was closed to the public.

The application is a combined use variance and site plan approval.

The application was summarized by Brian Giblin, Board Attorney. Storage of tires in an enclosed area with 6 ft. privacy slats, placement of pine trees as a buffer, oil separating drains, shielded lighting, parking spaces and facade were reviewed as obligations herein discussed.

A motion by Lorraine de Stefan, seconded by Kevin Martin to approve the application as discussed, on roll call vote, all in favor, the motion carried.

**06-02 Forcellati, Fernando, 823 Loretta Drive, Block 304, Lot 12**  
Side Yard Setback

Prior to hearing the Anita Tires application, Brian Giblin announced that this application would be carried to the February 16, 2006 meeting due to time constraints this evening. Will be listed first on

the agenda at the request of the Chairman.

**RESOLUTION:**

05-27 Santonocito, Mr. & Mrs., 605 Montview Place, Block 1717, Lot 3.01

A motion by Kevin Martin, seconded by Robert Adamo to adopt the resolution, on roll call vote, those eligible voted yes; the motion carried.

05-29 Hagen, Mr., 724 Wilson Court, Block 2101, Lot 44

A motion by Kevin Martin, seconded by Lorraine de Stefan to adopt the resolution, on roll call vote, those eligible, present, and in favor voted yes; the motion carried.

**MINUTES:**

A motion by Robert Fortsch, seconded by Robert Adamo, to approve the minutes of December 15, 2005; and January 5, 2006, on roll call vote, those eligible to vote voted yes, the motion carried.

**CORRESPONDENCE: none**

**VOUCHERS:** A motion by Kevin Martin, seconded by Melvina Fakazis, to approve vouchers in the amount of \$450.00 payable to Brian Giblin, Board Attorney; on voice vote, all in favor, the motion carried.

**DISCUSSION:**

**Board Engineer:**

Melvina Fakazis provided hourly rates she obtained for the 3 potential Board Engineers, Christopher Statile, Thomas Skrable and Boswell Engineering. Brief discussion ensued.

A motion was made by Melvina Fakazis, seconded by Robert Fortsch to extend an offer of employment to Boswell Engineering conditioned that they agree to the hourly rate set forth by the township and that Christopher Statile continue with the 2 projects he has already began to review; on roll call vote, Melvina Fakazis, David Rice, Robert Fortsch, J.J. Clancy, and Kevin Martin vote yes; Lorraine de Stefan and Robert Adamo voted no; the motion carried.

**ADJOURNMENT:**

Upon motion of Kevin Martin, seconded by David Rice, on voice vote, all in favor, none opposed, the meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Sylvia Kokowski - Recording Secretary

**THE NEXT MEETING IS SCHEDULED FOR FEBRUARY 16, 2006**

| Name                  | Moved | Second | Ayes | Nays | Absent | Abstain |
|-----------------------|-------|--------|------|------|--------|---------|
| Lorraine de Stefan    |       |        |      |      |        |         |
| Melvina Fakazis       |       |        |      |      |        |         |
| Chuck Waldes          |       |        |      |      |        |         |
| David Rice            |       |        |      |      |        |         |
| Robert Fortsch        |       |        |      |      |        |         |
| J.J. Clancy           |       |        |      |      |        |         |
| Kevin Martin          |       |        |      |      |        |         |
| Thomas Pospisil Alt 1 |       |        |      |      |        |         |
| Robert Adamo Alt 2    |       |        |      |      |        |         |
|                       |       |        |      |      |        |         |
|                       |       |        |      |      |        |         |