

GREENWICH TOWNSHIP LAND USE BOARD  
REGULAR MEETING MINUTES  
April 9, 2014

The April 9, 2014 regular meeting of the Greenwich Township Land Use Board was called to order by the Board Secretary at 7:30 p.m. It was announced that this was a public meeting of the Greenwich Township Land Use Board and that adequate notice of the meeting had been given in accordance with the Open Public Meetings Act and that a notice was published in the Express Times and the Star Ledger. The notice and agenda for the meeting were posted on the bulleting board in the Township Administration Building, and notice was filed with the Township Clerk.

FLAG SALUTE

Members present: Tim Gale, Deborah Pasquarelli, Tom Bolger, Joseph Tauriello, Peter Grenyo, Michael Black, Helio Carvalho, Frank Winters, Bruce Williams  
Absent: Cathie Cullen (excused), Elaine Emiliani (excused), Dan Detore (excused)  
Also present: Attorney Jon Drill, Engineer Michael Finelli, Planner Carl Hintz, Secretary Barbara Margolese

MINUTES

March 12, 2014 Regular Meeting

A motion was made by Mr. Gale to approve the Planning Board's March 12, 2014 regular meeting minutes, seconded by Mr. Carvalho. A roll call vote was taken and the motion carried.

Ayes: Tim Gale, Peter Grenyo, Michael Black, Helio Carvalho, Frank Winters

Nays: None Abstentions: Tom Bolger, Joseph Tauriello, Bruce Williams, Deborah Pasquarelli,

RESOLUTIONS:

A. Resolution for 2014 Land Use Board Schedule of Meetings

The Board reviewed the proposed resolution. A motion was made by Mr. Tauriello, seconded by Mr. Gale to adopt the resolution establishing the Land Use Board meeting date schedule as presented. A roll call vote was taken and the motion carried.

Ayes: Tim Gale, Peter Grenyo, Michael Black, Helio Carvalho, Frank Winters, Tom Bolger, Joseph Tauriello, Bruce Williams, Deborah Pasquarelli Nays: None Abstentions: None

B. Resolution for Adoption of 2014 Land Use Board Rules of Procedure

The Board reviewed the proposed resolution. A motion was made by Mr. Williams, seconded by Mr. Grenyo to adopt the resolution establishing the Land Use Board meeting date schedule as presented. A roll call vote was taken and the motion carried.

Ayes: Tim Gale, Cathie Cullen, Peter Grenyo, Michael Black, Helio Carvalho, Frank Winters, Tom Bolger, Joseph Tauriello, Bruce Williams, Deborah Pasquarelli Nays: None Abstentions: None

C. Resolution No. 2014-01 – SHAMMY SHINE – Application No. 2014-04 – Block 26.01, Lot 1  
Declaration of incompleteness and delegation of completeness determination to the Board Secretary  
And Board Engineering Expert  
Eligible Voters: Mr. Gale, Mr. Carvalho, Ms. Pasquarelli, Mr. Winters, Mr. Grenyo, Mr. Bolger,  
Mr. Black

The Board reviewed the proposed resolution. A motion was made by Mr. Gale, seconded by Mr. Carvalho to adopt the resolution as presented. A roll call vote was taken and the motion carried.

Ayes: Tim Gale, Peter Grenyo, Michael Black, Helio Carvalho, Frank Winters, Tom Bolger, Deborah Pasquarelli Nays: None Abstentions: None

D. Resolution No. 2014-02 - HENRY RIEWERTS - Application No. 2014-02 -Block 44, Lot 24  
702 Warren Glen Rd. - Variance for required 250 ft. buffer from the Musconetcong River

The Board reviewed the proposed resolution. The Board discussed the addition of language to the resolution to clarify that the Board had not approved for a basement to be built as a part of the construction of the deck. Attorney Drill recommended that the language to be added state that ground level structures only are to be allowed. A motion was made by Mr. Tauriello, seconded by Ms. Pasquarelli to adopt the resolution with the additional clarifying language being added. A roll call vote was taken of those eligible to vote and the motion carried.

Ayes: Tim Gale, Peter Grenyo, Michael Black, Helio Carvalho, Frank Winters, Tom Bolger, Deborah Pasquarelli, Joseph Tauriello Nays: None Abstentions: None

#### OLD BUSINESS

A. GREENWICH TOWNSHIP BOARD OF EDUCATION – MLUL 40:55 D-31 Review  
Greenwich Elementary School & Stewartsville Middle School Solar Panel Installation  
Representatives present: Greenwich Township School District Superintendent Maria Eppolite,  
Architect Greg Somjen, Rudy Bovin (Johnson Controls)

Attorney Drill stated that in accordance with the MLUL 40:55D-31 the board is charged with reviewing this project as to its consistency with the township's Master Plan and to make recommendations to the Board of Education.

Chairman Bolger stated that the plans show the solar panels being installed on the front roof of the Elementary School. Mr. Somjen stated that this is correct and that the aesthetic of the building will change. Mr. Somjen stated that the inverters are being placed in proximity to the electric ports. Mr. Somjen stated that a 6 foot high chain link fence is being installed on the south side of the building.

Fire Chief Joseph Mecsey was sworn-in. He stated that the solar panels will create a problem with access to the roof in the event of fire. He stated that the fire department cannot walk over the solar panels and that any light will power up the panels. The Fire Department does not want to jeopardize fire fighters lives by having them walk on the roof with the solar panels. Mr. Bovin stated that there is a switch that disconnects that power to the solar panels. It was noted that during the final stages of design the Fire Department will be trained to disconnect the power to the panels. Fire Chief Mecsey stated that if there are solar panels on the roof the Fire Department will not go on the roof. He stated that they would get people out of the building.

Planner Hintz stated that the ordinance states that solar panels facing streets are not recommended. He noted that the flat roof of the elementary school would be okay. Mr. Hintz stated that the recommendation is only in the ordinance and not the Master Plan and that the proposed project is consistent with the Master Plan. It was recommended that as-built plans be sent to the Fire Chief. Mr. Grenyo asked about the fencing around the inverters. He recommended that the inverters be caged to prevent vandalism.

A motion was made by Mr. Tauriello, seconded by Mr. Gale stating that the Greenwich Township Land Use Board finds that the proposed solar panel projects for the Greenwich Elementary School and the Stewartsville Middle School are consistent with the Township Master Plan and that the Board Secretary send a letter to the Board of Education from the Land Use Board with the recommendation that the panels not be placed on the front roof of the school and that the Fire Chief receive a copy of the as-built plans and that the Fire Department receive training regarding disconnecting the power from the inverters to the panels and that the inverters are to have cages placed around them for security purposes.

A roll call vote was taken and the motion carried.

Ayes: Tim Gale, Deborah Pasquarelli, Tom Bolger, Joseph Tauriello, Peter Grenyo, Michael Black, Frank Winters, Helio Carvalho, Bruce Williams      Nays: None      Abstentions: None

B. MANSIONS AT ALLAMUCHY – Block 26, Lot 26 – 636 South Main Street  
Amended Final Major Subdivision - Completeness Determination

Engineer Finelli stated that he has reviewed the documents that were submitted and that he did not recommend the board grant the waivers requested and that he is recommending that the application be officially deemed incomplete. Engineer Michael Finelli's report dated April 4, 2014 noted Checklist Item #3, #4, #5, #7, #26, #31, #37, #41, #43, #44, #45, #46, #47, #48, #51, #57, #65, #67, and #99 as being incomplete.

A motion was made by Ms. Pasquarelli, seconded by Mr. Winters to deny the waivers requested for the Mansions at Allamuchy application based upon the Engineer's review letter dated April 4, 2014. A roll call vote was taken and the motion carried.

Ayes: Tim Gale, Deborah Pasquarelli, Tom Bolger, Joseph Tauriello, Peter Grenyo, Michael Black, Frank Winters, Helio Carvalho, Bruce Williams      Nays: None      Abstentions: None

A motion was made by Mr. Williams, seconded by Ms. Pasquarelli to deem the mansions at Allamuchy application as incomplete as per the Engineer's recommendation for incomplete checklist items #3, #4, #5, #7, #26, #31, #37, #41, #43, #44, #45, #46, #47, #48, #51, #57, #65, #67, and #99. A roll call vote was taken and the motion carried.

Ayes: Tim Gale, Deborah Pasquarelli, Tom Bolger, Joseph Tauriello, Peter Grenyo, Michael Black, Frank Winters, Helio Carvalho, Bruce Williams      Nays: None      Abstentions: None

C. AWTP REALTY (PHILLIPSBURG-EASTON HYUNDAI)  
Land Use Application No. 2014-03 – Block 39, Lot 4 & Block 40.01, Lot 1 - 164 Route 173  
B-2 Zone – Use Variance – Deemed Complete 2/13/14 – Public Hearing

Mr. Bolger and Mr. Williams recused themselves for this application due to a conflict of interest. Mayor Tauriello left the meeting because the remainder of the applications before the board this evening involve "D" variances which he cannot hear as a Class I member. Mr. Gale chaired the meeting.

Attorney Jeff Curzi referred to a letter from Police Chief Hummer dated April 3, 2014 which addressed the lighting for the proposed hours of operation. He stated that the applicant is willing to meet the ordinance requirements for lighting. Mr. Andrew Wright stated that they are proposing the minimum amount of lighting which will allow the security cameras to pick up anyone on the car lot and for police

surveillance. Attorney Drill stated that a condition of site plan approval can be that a night light test required with the Chief of Police and the board engineer being in attendance. Mr. Black, who had originally raised this issue, said that he was fine with this condition.

The applicant's planner, James Comalack, reintroduced himself. It was noted that he was previously sworn-in and was accepted as the applicant's planning expert. Mr. Comalack referred to the previously submitted Exhibit "A-3" which showed the plan for the southeastern portion of the property. Mr. Comalack stated that 51000 square feet of parking area is being proposed with 2766 square feet being new parking area. He referred to Exhibit "A-1" showing the parking lot, the enclosed breezeways and the landscaped islands being added to the site. He noted that several of the parking spaces will be relocated and restriped. He stated that the applicant will be adding a front landscaped buffer. Mr. Comalack said that the applicant is proposing to replace the cyclone fence along Route 173 with a more aesthetically pleasing fence if the NJDOT gives them permission. Mr. Comalack stated that the previous approvals for this site were in 1988, 2002, and 2013.

Mr. Comalack stated that the applicant is asking for a "D-1" Variance for the expansion of an auto dealership in the B-2 zone, Ordinance 16-18 and in the RCD zone, Ordinance 16-19. He stated that the expansion of the parking area will take place in the RCD zone. He told the board that 3.183 acres of the site are in the B-2 zone and 6.08 acres are in the RCD zone, with the total tract containing 9.91 acres. Mr. Comalack stated that bulk relief will be required for the front yard setback because the required frontage from the major arterial is 140 feet. Engineer Finelli stated that if it is the applicant's intention is to bifurcate the application, the applicant should wait to deal with the "C" variances and have the board only deal with the "D-1" use variance.

Mr. Comalack gave the board the applicant's rationale for granting the "D-1" Variance. He stated that with regard to special reasons, the third reason applies as the use serves the general welfare because of its strategic location being close to Route 173 and Route 78. He stated that this is an existing auto dealership and is being expanded towards the highway to provide storage so that storage is not necessary off-site. Mr. Comalack stated that this use is in an ideal location because it is in an isolated part of the township between the existing dealership and electrical transmission towers. Engineer David Calhoun stated that with regard to the positive criteria, sufficient space will be provided for the commercial use and the parking being expanded will modernize the facility. He stated that this plan supports the Master Plan of the township and regional growth, will provide more taxable business property, and will be an employment generator.

Mr. Comalack addressed the negative criteria for the variance by saying that this is an existing auto dealership and that the minor expansion is not substantial with regard to its impact on the township. He stated that increased traffic is not expected and the expansion will facilitate better service and sales on this site. Mr. Comalack stated that the enhanced burden of proof is that the applicant does not anticipate any detriment to the RCD zone as a result of this development and that no farm property will be used for this development and no detriment to the ground water will result from this development due to its limited size.

Ms. Pasquarelli asked about the existing detention basin. Engineer David Calhoun stated that the detention pond will be modified to meet storm water management requirements. He stated that the calculations for storm water management still have to be done. Mr. Comalack stated that both Lot 1 and Lot 4 received approvals in 1988. He stated that no substantial detriment to the public good and no substantial impairment to the public good will result from this development and that the granting of the "D-1" Variance would be appropriate relief.

The hearing was opened to public comment. No comments or questions were offered by the

public and the hearing was closed to the public.

A motion was made by Ms. Pasquarelli, seconded by Mr. Winters to grant the two “D-1” use variances for this bifurcated application with a time limit condition that the applicant has to have submitted a preliminary major site plan application and have it approved within 18 months from the adoption of the resolution memorializing this approval and then final site plan approval within 12 months after preliminary approval, and to note that no “C” variances were approved as a part of this application and will have to be approved at the time of site plan approval, and that substantially similar plans are to be submitted for the site plan approval that were submitted for the “D-1” Variance application. A roll call vote was taken and the motion carried.

Ayes: Tim Gale, Deborah Pasquarelli, Peter Grenyo, Michael Black, Frank Winters, Helio Carvalho  
Nays: None            Abstentions: None

It was noted that before the June or July submission for the site plan application the applicant and his professionals will be meeting with the board engineer and the board planner to discuss the storm water calculations for the site.

Mr. Bolger and Mr. Williams rejoined the board and Mr. Bolger resumed as chair.

**D. SHAMMY SHINE (GREENWICH METS)**

Land Use Application 2014-04 - Block 26.01, Lot 1 – 1501 West Avenue- Minor Site Plan with Use Variance and “C” Variance - Completeness Determination

Representatives present: Donald Souders, Esq., Craig Stem (Shammy Shine owner), Al Rogers (IT person for Shammy Shine), Tom Halfert (operations manager for Shammy Shine), Project Engineer David Calhoun, Planner Frank Banisch

Attorney Drill announced that because but two board members had not gone to a Shammy Shine car wash, due to the rule of necessity, no one has to recuse themselves from hearing this application. The Applicant’s attorney Donald Souders gave a brief introduction of the proposed plan. It was noted that this application had been deemed complete by the Board’s Secretary and Engineer as was authorized by the Board. Secretary Margolese informed the Board that the applicant’s notices were satisfactory for the public hearing. The following persons were sworn-in; Craig Stem (Shammy Shine owner), Al Rogers (IT person for Shammy Shine), Tom Halfert (operations manager for Shammy Shine), Project Engineer David Calhoun, Planner Frank Banisch, Board Planner Carl Hintz, and Board Engineer Michael Finelli.

The applicant’s engineer David Calhoun was accepted as an engineering expert. He presented Exhibit “A-1” which is an aerial image from Bing Maps dated 2012. He stated that the subject property is in the B-2 Highway Business Zone and that the car wash use is prohibited in that zone. Mr. Calhoun stated that the current use for this property is a car wash. He stated that the site has one free standing sign, a free standing directional sign, and three building mounted signs. Mr. Calhoun submitted Exhibit “A-2”, the site plan dated 2/18/14, which had been submitted with the application, showing proposed changes. He explained that the applicant is proposing the removal of an ADA ramp, parking improvements on the north side of the site to widen spaces and to improve the ADA parking space so that it meets ordinance requirements, aisles are to be widened, vacuums are to be added, and three new parking spaces are to be added for employee parking. Mr. Calhoun stated that the two-way circulation pattern is to be replaced with a one-way clockwise circulation pattern. He noted that the impervious surface on the site will increase by 1.2%, going from 84.2% to 85.4%.

Mr. Calhoun informed the board that access to this site is off of the New Brunswick Avenue cul-de-sac. He stated that this Shammy Shine will utilize an auto sentry system which allows a customer to

pay with their credit card and proceed through an automated car wash system. He said that because this is an express facility which means that persons will be staying in their car while their car is being washed.

The Board reviewed Engineer Finelli's report on this application dated April 4, 2014. Engineer Finelli stated that the applicant is applying for variances for lot area, front yard building setback, lot depth, impervious coverage, the number parking spaces, parking setback, landscape buffer, the height of the free standing sign, the free standing sign area and setback, and the number of building mounted signs being proposed (one is allowed and the applicant is proposing two). It was noted that the intermittent lighting (LED messaging) sign is to be removed.

Mr. Calhoun referred to Exhibit "A-3"; which showed the existing free standing sign at this site. He then referred to Exhibit "A-4", which showed a photograph of the existing sign. Mr. Calhoun referred to Exhibit "A-5"; a photograph of the existing sign on the north side of the building, Exhibit "A-6"; a photograph of the existing sign on the western side of the building, and Exhibit "A-7"; a photograph of the existing sign on the eastern side of the building. Mr. Calhoun stated that the building mounted signs are not going to be intermittent lighting but will be internally illuminated. Exhibit "A-8" was submitted showing turn template derived turns on the site plan's circulation plan.

Mr. Stem stated that the peak hours for the car wash will be Friday and Saturday during December January February and March. He stated that during peak hours the car wash can expect 70 to 80 cars per hour. Mr. Stem stated that he runs nine express car washes and that they have not experienced any problems. He said that his family currently runs 12 car washes and that they have been running Shabby Shine since 1976.

Mr. Williams stated that on March 14, 2002 a resolution was adopted for this site which, on page 5, addressed cars leaving this site. Mr. Williams stated that he has concerns with cars getting out of this facility onto New Brunswick Avenue cars making a left turn to get onto Route 22. Attorney Drill stated that on page 13 of the 2002 resolution condition #3 had included an island which would prohibit left turns onto New Brunswick Avenue. Chairman Bolger stated that there are traffic and signage concerns with this application. He said that the applicant's planner can speak with Planner Hintz and Engineer Finelli prior to the next meeting. Mr. Bolger stated that if any board member has issues with the proposed setbacks they should let Engineer Finelli or Planner Hintz know.

It was announced that this public hearing is being continued at the May 14<sup>th</sup>, 2014 Land Use Board meeting with no further notice and that the applicant's traffic study should be submitted to the Land use Board office before the next meeting.

A motion was made to adjourn the meeting by Mr. Black, seconded by Mr. Carvalho. A voice vote was taken and all were in favor. The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Barbara J. Margolese, Board Secretary