

**TOWNSHIP OF ROCHELLE PARK ZONING BOARD OF
ADJUSTMENT**

**151 West Passaic Street
Minutes of the February 6, 2014 meeting**

Chairman William Coleman called the regular meeting of the Zoning Board of Adjustment to order at 7:39 PM.

The following members were present: Chairman William Coleman, Nancy Croot, Patrick Sheehan, Scott Den Bleyker, Diane Davidson, Nicholas LiBassi, Katherine Baccala and Board Attorney Anthony Gallina. Absent: Jason Quinn and Sergio Gonzalez.

Moved by P. Sheehan seconded by S. Den Bleyker that the minutes of the December 5, 2013 meeting be approved as presented.

Motion passed with all members present voting in the affirmative.

Moved by P. Sheehan seconded by D. Davidson that the Rochelle Park Board of Adjustment pays the following bills:

Anthony Gallina for December meeting	\$175.00
Job & Job for 88-90 Essex St. (Mobil)	\$449.75
Anthony Gallina for Apilandro resolution	\$250.00

Motion passed with all members present voting in the affirmative.

Old business: Moved by P. Sheehan seconded by N. LiBassi that the Rochelle Park Board of Adjustment vote on the formal resolution dismissing without prejudice the application of Hearing #697, Peregrini Apilandro, for property 160-162 Rochelle Avenue.

	Yes	No	Absent/Abstain
William Coleman, Chairman	X		
Jason Quinn, Vice Chairman			Absent
Patrick Sheehan, Member	X		
Nancy Croot, Member	X		
Scott Den Bleyker, Member	X		
Sergio Gonzalez, Member			Absent
Diane Davidson, Member	X		
Katherine Baccala, Alt. #1	X		
Nicholas LiBassi, Alt. #2	X		

Moved by P. Sheehan seconded by N. Croot that the Rochelle Park Board of Adjustment approves the annual report to the Township Committee and the Planning Board.

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Motion passed with all members present voting in the affirmative.

Public question: Mr. Jerry Cronin asked what Shop Rite parking lot is zoned for. He is concerned that it is being used for storage of trucks and trailers.

Chairman Coleman explained that the Zoning Officer is the person to consult regarding that issue.

Meeting adjourned at 7:50 P.M. on motion by P. Sheehan seconded by D. Davidson. All present were in favor.

Attest February 6, 2014

Katherine Baccala

Chairman William Coleman called the regular meeting of the Zoning Board of Adjustment to order at 7:51 PM.

The following members were present: Chairman William Coleman, Nancy Croot, Patrick Sheehan, Scott Den Bleyker, Diane Davidson, Nicholas LiBassi, Katherine Baccala and Board Attorney Anthony Gallina. Absent: Jason Quinn and Sergio Gonzalez.

**1. Hearing #698
ADPP Enterprises, Inc.
88-90 Essex Street (Mobil Station)**

Applicant is seeking to amend a prior resolution for approval and accompanying variances for sign. The applicant wishes to operate the businesses 24 hours a day 7 days a week. They are also seeking to allow a Red Mango franchise. In addition they are requesting to move the existing free standing monument sign from the northwest corner of the property to the southwest corner of the property. To replace that sign, the applicant would like to install a smaller monument sign in the northwest corner. This would require a number of sign variances.

Attorney Craig Bossolt appeared for applicant. Marked in evidence: A-1 certified mail receipts for notifications within 200', A-2 affidavit proof of service sworn 2/6/14 with attachments, A-3 form of notice to property owners within 200', A-4 proof of publication 1/25/14 in *The Record*, A-5 certified list of property owners within 200 dated 12/16/13, A-6 certified list of property owners within 200' in Lodi dated 1/25/14, A-7 letter of denial from zoning officer dated /10/14, A-8 prior resolution in this matter dated 2/23/09, A-9 site plan "sign re-imaging plan" by Bertin Engineering 6/20/13 no revisions consisting of 2 sheets. Application is complete. A-10 is a board of A-9 dated 2/6/14.

Mr. Bossolt gave a brief history of the property. They are seeking to change some conditions - hours of operation (24/7) and limitation for franchise in store. They are looking for a Red Mango operation run by the same employees as the store. They are also seeking variances for installation of ground sign, number of signs, setbacks, etc. It is a D-3 use variance.

Jasvinder Arjani of Bertin Engineering, Glen Rock, NJ was sworn in as project manager. He designed the building in the previous application so he's familiar with it. He is not aware of any complaints. There are two employees in the store and two outside. These numbers will stay the same. Red Mango is frozen yogurt with three machines making two flavors each with toppings on counter. They also sell smoothies and shakes. Employees are ADPP employees. This would not change if allowed to open 24/7. All other conditions will be in force. Delivery times will not change and all other conditions will be adhered to.

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They use about 250-300 sq feet for Red Mango. He said gas delivery times will remain the same. They want 24/7 to increase sales. Competition from Wawa and BP is affecting business. Marked in evidence: A-11 photo of sign existing (Mart will come out and Red Mango go in its place), A-12 image of proposed monument sign 6'4" below the height of existing sign.

Public question: Dennis Meher, 109 Lexington Avenue, asked about height of the top of the sign. He was told it would be 20'.

Bahmen Izadmehr, also of Bertin Engineering, was qualified as an expert engineer. He said that traffic flow on site won't be affected. The extra hours would involve minimal traffic. Sign is 20' to the top and 60 square feet. They are proposing 2' in at new location, but the same height. It is an existing non-conforming sign. It will only be visible from Essex Street, but they still need a setback variance.

They are proposing a new sign on the SW corner 8'x4' which exceeds the ordinance as to number of signs, 2' setback from both sides of property. No obscurity with sign at that corner.

Variances needed for signs: number of signs (1 to 2), sign exceeds square feet and minimum clearance, setback from property line. He was asked about pages 6 & 7 from Job & Job's report. They agree it needs to go to BC planning board.

Scott asked about the corner site triangle. If they leave that sign on the NW corner and a new one the same at the SW corner, there would be better sight line. Bill asked about lighting of signs. LED lights so they are sharper and more visible to drivers. They will be the same as what's there. Bill asked if they can get rid of banners and loose signs on the property. Yes. They would also like Red Mango on facade. A-13 in evidence is an image of speed pass panel to get rid of temporary signs.

Scott asked if lights under canopy can be seen by neighbors. No.

Dennis Meher asked about gap in fence of about 10'. He said they did a nice job with landscaping. He was surprised that they did not go all the way across. It is unpainted plywood. He also said that they do not maintain the plantings. There is illumination. He would be able to see sign with nothing in between.

Marked in evidence: B-1 report of Job & Job dated 1/24/14, B-2 planners report dated 2/5/14.

9:20 Took a break so that the applicant could talk to Dennis Meher about what can be done to avoid light spilling onto his property.

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After speaking with the neighbor, they agreed to extend the fence 8' to height of the existing fence two feet off the property line and to paint the back of it.

The applicant will be submitting new plans for changes to signs. Need to address: leave existing sign as is and add speed pass and red mango (clearance 6-1/2'), new sign exactly the same, extend fence on NE side to address concerns of neighbor, operation of Red Mango and 24/7 operation and remove all temporary signs.

W. Coleman made a motion for a D-3 conditional use variance to allow for 24/7 operation, seconded by S. Den Bleyker.

	Yes	No	Absent/Abstain
William Coleman, Chairman	X		
Jason Quinn, Vice Chairman			Absent
Patrick Sheehan, Member	X		
Nancy Croot, Member	X		
Scott Den Bleyker, Member	X		
Sergio Gonzalez, Member			Absent
Diane Davidson, Member	X		
Katherine Baccala, Alt. #1		X	
Nicholas LiBassi, Alt. #2	X		

Motion carried 6-1.

W. Coleman made a motion to allow only the Red Mango franchise, seconded by N. LiBassi.

	Yes	No	Absent/Abstain
William Coleman, Chairman	X		
Jason Quinn, Vice Chairman			Absent
Patrick Sheehan, Member	X		
Nancy Croot, Member	X		
Scott Den Bleyker, Member	X		
Sergio Gonzalez, Member			Absent
Diane Davidson, Member	X		
Katherine Baccala, Alt. #1	X		
Nicholas LiBassi, Alt. #2	X		

Motion carried 7-0.

W. Coleman made a motion to approve the bulk variance to the existing signs, add Red Mango, Speed Pass with 6-1/2' from bottom and all related bulk variances associated with the signs (185-126 conditional use) at SW corner of property, seconded by P. Sheehan.

	Yes	No	Absent/Abstain
William Coleman, Chairman	X		
Jason Quinn, Vice Chairman			Absent
Patrick Sheehan, Member	X		
Nancy Croot, Member	X		
Scott Den Bleyker, Member	X		
Sergio Gonzalez, Member			Absent
Diane Davidson, Member		X	
Katherine Baccala, Alt. #1	X		
Nicholas LiBassi, Alt. #2	X		

Motion passed 6-1.

W. Coleman made a motion to approve a proposed new sign at the SE corner of property exactly the same as the sign on the SW corner that will be 22' tall with 8' clearance and all the bulk variances associated with it. The existing fence at the rear of the property will be extended 8' to the existing height and 2' off the property line and the residential side will be painted. All temporary signs will be removed. Seconded by S. Den Bleyker.

	Yes	No	Absent/Abstain
William Coleman, Chairman	X		
Jason Quinn, Vice Chairman			Absent
Patrick Sheehan, Member	X		
Nancy Croot, Member	X		
Scott Den Bleyker, Member	X		
Sergio Gonzalez, Member			Absent
Diane Davidson, Member	X		
Katherine Baccala, Alt. #1	X		
Nicholas LiBassi, Alt. #2	X		

Motion carried 7-0.

Meeting adjourned at 9:50 P.M. on motion by P. Sheehan seconded by S. Den Bleyker. All present were in favor.

Attest February 6, 2014

Katherine Baccala