

BOROUGH OF MOUNT ARLINGTON
LAND USE BOARD
MEETING MINUTES
September 24, 2008

Meeting called to order at 7:34 p.m. "Pledge of Allegiance to the Flag" recited.

Roll Call: Levitt, Foley, Stanzilis, Simard, Sendler, Loughridge, Goodman and Windish. vandenHende arrived at 7:37 p.m. Ondish arrived at 8:44 p.m. Absent: Hughes, Fostle and Wilson. (Fostle and Wilson called earlier in the day to say they could not make it).

Motion to approve minutes of August 27, 2008 by Goodman, second by Simard.
Yes: Levitt, Foley, Simard, Sendler, Loughridge, and Goodman Abstain: Stanzilis and Windish

Motion to approve vouchers by Goodman, second by Simard. Yes: Levitt, Foley, Stanzilis, vandenHende, Simard, Sendler, Loughridge, Goodman. Abstain: Windish

Memorialize Saracco resolution by Levitt, second by Loughridge. Yes: Levitt, Simard and Loughridge

Deem Chow complete and schedule for October 15, 2008 – All in favor

Motion to postpone Residences on the Park hearing to the December 10, 2008 meeting by Sendler, second by Foley. All in favor. Applicant will need to re-notice in newspaper and 200' list. Applicant must submit proof of taxes paid up to date

Two recycling ordinances discussed.

Ordinance 09-08 will become part of the boroughs Master Plan. Board should agree that it be included in the Master Plan. Motion to approve 09-08 and pass it on to borough council by Foley, second by vandenHende. Yes: Levitt, Foley, Stanzilis, vandenHende, Simard, Sendler, Loughridge, Goodman and Windish

Second recycling ordinance -08 needs to be considered for recommendation to council. Motion by Foley, second by Loughridge. Yes: Levitt, Foley, Stanzilis, vandenHende, Simard, Sendler, Loughridge, Goodman and Windish

Davy's Dogs application:

Bernd Hefele – Attorney for applicant sworn in. Site plan application to expand Davy's Dogs by adding onto building and constructing drive thru plus additional parking. New restaurant will keep with look of existing restaurant.

Mark Walker – Engineer for applicant sworn in and credentials given. Provides exhibits A-1, rendering of site plan, A-2 survey with latest revision date of 5/10/2004. Applicant purchased portion of what was originally Canfield Avenue as well as property from the borough as well as the DOT. Consolidation of properties was filed for making it one. Property has frontage on three sides therefore requiring a front yard setback variance. There will be parking on both sides of the building with a one-way traffic flow from Howard Boulevard. There will be two means of egress onto Canfield Avenue to the traffic light on Stierli Court. There will be a few variances needed and relief from the ordinance. Canfield Avenue will need a front yard setback, but Howard Boulevard and Stierli Court meet the front yard setback. Variance needed for front yard setback for Canfield Avenue. Variance is needed for impervious coverage. Allowable coverage is 60%. The proposed is 62%. Impervious coverage variance can be eliminated if parking spaces were jogged in causing a saw tooth affect. Applicant will leave this to the board's discretion. Applicant is seeking relief from parking within setbacks of property lines. Ordinance requires that parking be ten feet from side yard, front yard and rear yard. Stierli Court setback is okay, but other sides are not, therefore a relief is being sought. Ordinance requires that access drives of egress be fifteen feet wide for single lane of traffic. Applicant is proposing twelve feet wide drive, therefore seeking relief. Daren Phil commented on the loading space. Delivery trucks come early in the morning before the business is operating. Existing sign is eight feet from right of way. Applicant will relocate sign so it's in a conforming location therefore eliminating a pre-existing non-conforming situation.

Discussion on traffic circulation, lighting, landscaping and sign location

Phil – Notes 10, 11, 13, 14 and 16 on page 1 of site plans to be revised

Walker – comments on all pages of site plans will be reviewed and revised where necessary

Open to the public at 8:55 p.m.

No comments

Closed to the public at 8:56 p.m.

Selvaggi – Applicant seeking site plan approval to allow for the construction of a two-story addition onto the existing restaurant with a drive thru with other related items such as parking, landscaping and lighting improvements. Applicant is seeking bulk variances: front yard setback, impervious coverage (60% required with 62% proposed), off street parking which is within ten feet on certain areas of the property, access drive (two are twelve feet wide where fifteen feet is required), loading space is not proposed which the ordinance requires. By changing the traffic circulation, one of Daren's concerns is eliminated. One of three signs is being eliminated. Applicant is suggesting that under the C-1 standard of the Municipal Land Use Law, this property has unique features one being that the property has three front yards that exert peculiar conditions that precludes the applicant from being able to develop this property that conforms with the municipal land use ordinances. The board has to decide if the applicant has done anything to satisfy the negative criteria. This is a permitted use in this zone. The applicant has attempted to add more dirt to the property by purchasing land from the borough as well as the DOT therefore minimizing the adverse consequences to the neighbors. As long as the board agrees that the bulk variance is justified then you would have to conclude that the sight plan is worthy of an approval. There would be conditions imposed which include revision of the plan in accordance with Daren's report. Daren also suggests that because it is a proposal along Howard Boulevard that the applicant would need approval from the Morris County Planning Board. There would also be other outside agencies including Morris County Soils Conservation District. It was also stated that Mark Walker would revise the plan pursuant to Daren's report.

Phil – If the applicant plans on keeping the facility in operation during construction. There should be some type of security fencing installed.

Selvaggi – Before the construction commences, there should be a pre-construction meeting with the applicant before any work begins.

vandenHende – The total impervious coverage should be updated to reflect the actual percentage required.

Levitt – Was the decision ever made to make the roadway twelve feet or fifteen feet wide?

Walker – Our position was that fifteen feet wide was more for an active driveway, whereas the drive thru is not an active driveway therefore twelve feet would be sufficient.

Stanzilis – Walker justified the twelve feet and no one had an issue with it.

vandenHende – makes a motion to approve the application

Simard – seconds the motion

Approval of Davy's Dogs application – Yes

Ondish – Discusses installing sidewalks for access to the train station from Davy's Dogs

Meeting adjourned at 9:08 p.m. All in favor.

Carolyn O'Connor