

REGULAR MEETING (IF DEEMED COMPLETE):

Yannarelli

No. 20-21

Block 174, Lots 1 & 8
129 & 129A Castle Rock Rd.
Bulk Area Variance

Mr. Ken Fox, the applicant's Architect/Planner, was present and sworn in.

Mr. Albert Yannarelli, the applicant, was present and sworn in. He explained that he wants to tear down the existing house on 129A, and construct a new home in its place. He and his wife will live in the home at 129, and his son and daughter-in-law will live in the newly constructed home at 129A.

Ms. Hartmann stated that the applicants are going to tear down the small house and shed on Lot 8, and construct a new, 2 ½ story single family structure in its place. In addition, the project will include a series of retaining walls, and driveway/cross easements for both Lots 1 and 8. There will also be an increased area of pavement in the front of 129A, plus a variety of variances, most of which are already existing. The subdivision has been removed from this application.

Mr. Fox then presented Sheets Z-1, 2, & 3 as submitted. He explained the proposed floor plan for the new home. All of the construction will occur at 129A, with the exception of the widening of the driveway which will affect an area of property at 129. In addition to the existing variance relief, the proposed structure will require impervious coverage, front yard setback, and side yard setback variances. He then explained the proposed storm water management system.

Ms. Samantha Anello referenced Mott MacDonald's second review letter of February 18, 2021, where they requested the applicant to extend the drainage pipe just beyond the septic to ensure there wouldn't be runoff directly into the septic area.

Mr. Fox agreed to make that item a condition of the resolution.

Ms. Anello asked for clarification on the number of bedrooms.

Mr. Fox stated that the current number of bedrooms is 2, and the proposed number of bedrooms is 2.

Chairman Williams opened the meeting to the public.

Mr. Eric Snyder, the Engineer for the Lake Hopatcong Commission, was present and sworn in. He suggested a maintenance agreement be created for the shared driveway to protect any future owners of the properties.

Mayor Wilsusen asked if the applicant received a copy of the Lake Hopatcong Commission's report.

Mr. Fox stated they did.

Mr. Hine asked about any thoughts of a rain garden, etc.

Mr. Fox stated that there will be a rain garden and proper drainage as discussed by the professionals.

Mr. Kienz asked that Mr. Hine not be called during the vote since he arrived late.

The public portion was closed.

Mayor Wilsusen made a motion to approve the application. **Chief Castimore** seconded the motion.

In Favor: **Mayor Wilsusen, Vice-Chairman Palko, Chief Castimore, and Chairman Williams.**

Against: **Vice-Chairwoman Galfo.**

It was put on the record that both Mr. Hine and Mr. Small arrived late, and will be eligible to vote on the remaining applications.

Visicaro	No. 20-24	Block 234, Lots 30 & 43 15 Diamond Dr. & 70 Venetian Dr. Minor Subdivision/Use Variance
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Mr. Kevin Hahn, the applicant's Attorney, was present. He stated that Mr. Fred Stewart, the applicant's Engineer, Ms. Jessica Caldwell, the applicant's Planner, and Mr. John Visicaro, the applicant, would all be testifying. The professionals and the applicant were then sworn in.

Mr. Fred Stewart, the applicant's Engineer and Land Surveyor, was present. He proceeded to share his screen showing Sheet 1 of 1 as submitted. He then described each site in detail. The applicant is proposing to relocate the lot line, taking approximately four acres from Lot 43 and transferring that acreage to Lot 30. By doing so, it will eliminate three of the pre-existing, non-conformities on Lot 30, in addition to eliminating the existing encroachments of a shed and carport onto Lot 43. There is no building proposed on either property, and all existing structures will remain.

Ms. Jessica Caldwell, the applicant's Planner, was present. She explained that this application consists of not only a subdivision, but also requires a use variance due to the two primary structures on Lot 30. Relocating the lot line will remove the existing building coverage, lot coverage, and lot size non-conformities. The positive criteria include Purposes A, E and G, with no negative impact to the surrounding properties.

Chairman Williams opened the meeting to the public.
The public portion was closed.

Mr. DiFrisco made a motion to approve the application. **Vice-Chairwoman Galfo** seconded the motion.

In Favor: **Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Small, and Chairman Williams.**

Mr. Bernd Hefe, the applicant's Attorney, was present. He explained that the applicant/owner currently runs an auto repair business on the property. There is also currently a two-story commercial building on the property that he uses for storage of his auto repair parts. The applicant is proposing to add the sale of used cars on the property. He is only proposing an additional 15 spaces for the used cars, and the only changes to the site will be the location of the parking spaces and some additional striping on the property.

Mr. Kevin Avedisian, the applicant, was present and sworn in. He has owned the property since 2016. He currently services cars on the property, and would like to supplement his income by being able to sell used cars. The current hours of operation are from 8 a.m. to 6 p.m., Monday through Friday, and Saturdays from 9 a.m. to 3 p.m. No additional employees will be required. He then confirmed that the two-story commercial building is only used to store car parts, and he has no intention of renting the space or utilizing it in any other way.

Ms. Jill Hartmann asked approximately how many of the cars that he repairs are sold? Does he have any approvals to use the commercial building as a storage building or warehouse?

Mr. Hefe stated that he is unsure of any prior approvals on the commercial building, and would have to check into it.

Ms. Samantha Anello asked if the office for the used car sales will be run out of the commercial building.

Mr. Hefe stated the commercial building will not be used for anything but car repair parts.

Ms. Anello asked if the gate on the property will stay or be removed.

Mr. Hefe stated there is no use for it, so it will be removed.

Ms. Anello asked about parking space #5 on the side of the building. She does not believe that it meets the size requirement for a parking space. She also asked if the garage door on the same side is ever utilized.

Mr. Avedisian stated that the garage door on the side of the building is only used for ventilation.

Mr. Hefe stated that they can correct the size of the parking space on the side of the building, if necessary.

Ms. Anello asked if any cars would be stored inside the commercial building.

Mr. Hefe stated that no vehicles of any kind would be stored in the commercial building.

Ms. Hartmann stated that the plans show a note that the commercial building will be used for the used car business. This needs to be removed, and a note stating that "the commercial building will

only be used for storage of items needed for car repair and the second story of that building will not be utilized,” must be added to the plan.

Mr. DiFrisco asked for clarification on the fence in the rear of the property.

Mr. Avedisian stated there is a fence that goes along the property line in the back of the property, and the neighbor also installed an additional fence to separate the properties.

Mr. DiFrisco asked if there is an apartment on the second floor of the commercial building.

Mr. Hefe stated that there is no apartment in the building, and no one is living there.

Mr. John McDonough, the applicant’s Planner, was present and sworn in. He then presented a series of photographs of the site and described each in detail. He stated that the positive criteria include Purposes A, G, M, and I, and he believes that the negative impact will be minimal.

Mr. Kienz asked if this is a conditionally permitted use.

Ms. Hartmann stated that it is an expansion of a non-conforming use. The car repair component is permitted as an accessory use in the C-2 zone, but not as a primary use. This is the reason for the d(2) use variance.

Chairman Williams opened the meeting to the public.

Ms. Esther Poulsen, a resident at 4 Lorettacong Drive, was present and sworn in. She voiced her concerns about the lighting and landscaping on the property.

Mr. Hefe clarified that the applicant would conform to the requirements recommended by the Board Planner regarding the lighting on the site.

Mr. Eric Snyder, the Engineer representing the Lake Hopatcong Commission, was present. He wanted to confirm that the applicant received the Commission’s report and will comply with the recommendations in the report.

Mr. Hefe stated that the applicant will be complying with the recommendations made by the Lake Hopatcong Commission.

The public portion was closed.

Mr. DiFrisco asked if there is a way to ensure the specific use or non-use of the two-story building so that the neighbors are protected.

Ms. Hartmann stated that we can make those items conditions of the resolution.

Mr. Hefe is more than willing to comply with those conditions.

Mr. Small made a motion to approve the applications with the conditions as discussed. **Mr. Hine** seconded the motion.

Respectfully Submitted by:

Stephanie McCormack
Secretary to the Planning Board