

**MINUTES OF REGULAR REMOTE PLANNING BOARD
MEETING HELD ON THURSDAY, FEBRUARY 18, 2021**

Chairman Blewett called to order the regular remote (**Zoom**) meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall.

PRESENT: BLEWETT, FLORENTINO, GEMIAN, TAORMINA AND TERRERO

ALSO PRESENT: PETRESKI, ENGINEER AND NEISS, COUNSEL

ABSENT: KAUFMAN, KOLDYK, MARINO AND *RUNFELDT

Chairman Blewett stated the first item on the agenda is the approval of the December 17th, 2020 minutes.

Ms. Ward stated the members that can vote on the minutes are Blewett, Florentino, Gemian, Taormina and Terrero.

Chairman Blewett asked for a motion to approve.

Mr. Terrero moved the minutes.

Chairman Blewett asked is there a second.

Mr. Gemian seconds.

Chairman Blewett asked Joan to call the roll.

Roll call:

Yes: Terrero, Gemian, Blewett, Florentino and Taormina

No: None

Abstain: None

Ms. Ward stated okay they're approved.

Chairman Blewett stated the second set of minutes is the January 21st, 2021 reorganization minutes.

Ms. Ward mentioned everyone that is here can vote on them.

Chairman Blewett asked for a motion to approve.

Mr. Terrero moved to approve.

Mr. Gemian seconds.

Roll call:

Yes: Terrero, Gemian, Blewett, Florentino and Taormina

No: None

Abstain: None

Ms. Ward stated they're approved.

Chairman Blewett stated the next set of minutes is the January 21st, 2021 regular meeting minutes.

Mr. Ward mentioned everyone can vote on them.

Chairman Blewett asked for a motion to approve.

Mr. Terrero made the motion.

Mr. Taormina seconds.

Roll call:

Yes: Terrero, Taormina, Blewett, Gemian and Florentino

No: None

Abstain: None

Ms. Ward stated they are approved.

Chairman Blewett stated the next item on the agenda is Minor Site Plan & Variance Application #374 and Flood Plain Encroachment #FPE 20-02 by Bellmore Home Lincoln Park, Inc. d/b/a Costello's Ace Hardware, on property known as Block 22, Lot 304 and 305.1 on the municipal tax map also known as 261 Comly Road (complete January 29th, 2021 decision by May 29th, 2021). Mr. Schepis are you going to open this?

Mr. Schepis thanked the Board for having the meeting virtually since the weather is so inclement. I'm here on behalf of Bellmore Homes in regard to their minor site plan application, on property located at 261 Comly Road, commonly known as the Lincoln Park Plaza. The Ace Hardware Store is the anchor store in this facility. They found it necessary to display and sell certain home improvements and merchandise outside the facility, including propane, so we would petition the Board for a variance in order to have that outdoor display and sales.

There was a request for a display of landscaping material in an enclosed area in the parking lot and that has since been eliminated. This application is simply for the display and sale of merchandise on that sidewalk in front of the store facility and that is what we are down to.

This evening we have Rocky Vitale and he is a representative of Ace Hardware and Joseph Mianeki, the engineer and planner of the project to give testimony.

Perhaps I can have Rocky Vitale sworn in.

Mr. Neiss swore in Frank Rocco Vitale. Please state your complete name and business affiliation for the record.

Mr. Vitale testified Frank Rocco Vitale, I'm the Operations VP for Costello's Ace Hardware, Bellmore Homes Center. Good evening everyone and I appreciate everything. Since we came here it has been a little bit of a struggle as we were in the red for a few years but in 2020 we were in the black.

The reason why I'm here is we just want to make sure we can service our customers and be able to utilize that sidewalk, if possible, for mulch, plants and live goods. Quite honestly some of that product is very difficult to maneuver inside the store

Sales have been picking up and we are in the black. Most importantly our competitors carry propane and quite honestly we get a lot of calls for propane and we've been sending them to our competitors and not servicing our customers the way we would like to. This would help and definitely give us more profit both from a margin perspective and make the store whole and for us to be able to service our customers the way we would like to. We have a lot of customers that request propane and live plants from us so that sidewalk could make a world of difference to us, especially with rising labor costs to keep us a float, so I really appreciate everybody's efforts here.

Mr. Schepis asked Mr. Vitale is there any difficulty in displaying and selling these other bulk

materials and propane within the confines of the building.

Mr. Vitale testified first of all live plants inside the building need water and that can cause liability/accidents as well. You have to keep the area dry and it is very difficult and generally people want curb service for live goods.

As far as propane is concerned, lifting those tanks and just from a customer's safety perspective, you are better off outside the building and to service outside the building the vendor as well, it is definitely a win, win for us.

Sales are picking up and we sell spas which take up a lot of linear space and we just don't have any more room. Initially when we went in we said this is so big, 25,000 sq. ft. but we filled it up fairly well.

Mr. Schepis asked now you heard my presentation to the Board that we are no longer requesting that fenced in area within the confines of the parking lot is that fair to say.

Mr. Vitale testified yes.

Mr. Schepis stated so we are limited to only what you are proposing on the sidewalk in front of the building.

Mr. Vitale testified that is correct.

Mr. Schepis stated I don't have anything further of Mr. Vitale. Mr. Mianecky will get into further details about the location.

Mr. Florentino stated I have a question.

Chairman Blewett stated go ahead.

Mr. Florentino asked you are not filling the tanks on site. I go into the hardware store and swap the tank and I give you the empty one and you give me another one, but you are not filling them on site is that correct?

Mr. Vitale testified that is correct.

Mr. Schepis stated our next witness is Mr. Mianecky.

We have a photo of a Home Depot in Montville. As you can see on the sidewalk in front of the store, the outdoor display of plant materials you have the racks and the propane, and is it fair to say Mr. Vitale that is what we are proposing?

Mr. Vitale testified absolutely.

Mr. Schepis stated our next witness is Joseph Mianecky.

Mr. Neiss asked Mr. Schepis that document that you just held up would you please mark that as Exhibit A-1, and when you get a chance would you please drop that off in the Planning Department so that is part of the record.

Mr. Schepis stated there is a copy of that in every packet. I marked it as A-1 and dated it today, February 18, 2021.

If Mr. Mianecky could be sworn and perhaps we could dispense with his credentials in light of his prior testimony before the Board.

Mr. Neiss swore in Mr. Mianecky. Please state your name full name and business affiliation for the record.

Mr. Mianecky testified Joseph S. Mianecky, Jr., 9 Midvale Avenue, Towaco, NJ, the owner of Mianecky Consulting Engineers.

Mr. Neiss asked are you here tonight as an expert.

Mr. Mianecki testified yes I am in engineering and planning.

Mr. Neiss thanked Joe.

Mr. Schepis asked Mr. Chairman can we dispense with Mr. Mianecki's credentials.

Chairman Blewett stated yes we can unless there are objections from the Board? Mr. Mianecki has testified before the Board numerous times. No objections, thank you.

Mr. Mianecki stated I'm going to share the screen if that's alright.

Chairman Blewett stated go ahead.

Mr. Schepis asked is it fair to say that you prepared a site plan in conjunction with this application.

Mr. Mianecki testified yes I have.

Mr. Schepis asked the site plan was based on a current survey prepared by William Zimmerly.

Mr. Mianecki testified that's correct.

Mr. Schepis asked and it involves the entire Lincoln Park Plaza is that fair to say.

Mr. Mianecki testified yes.

Mr. Schepis stated this is just one piece of the puzzle. Okay so what we see on the screen is the title block.

Mr. Mianecki testified it is Sheet 2 of 2 entitled: Site Plan for Propane Exchange Cages & Seasonal Outdoor Landscape Material & Plants Display Area. The date is February 28th, 2019, last revised January 19, 2021.

Mr. Schepis asked why don't you focus in on where this is in relationship to the entire property.

Mr. Mianecki testified just for orientation, north is to our left, Ace Hardware is here (the northerly half of the building), the main entrance to the hardware is this jut out right here and you have a door for access here and here. As Mr. Schepis pointed out, there are two aspects to this application; the propane storage cages we are proposing two of them (the two red rectangles here); and then we are proposing a 4 foot wide by 40 foot long 164 sq. ft. outdoor storage sales display area right here highlighted in yellow. It is completely underneath the canopy that covers the sidewalk and those are the two aspects of the application.

Mr. Schepis brought up earlier, we had an outdoor display/storage area for these materials over here at the northerly end of the site, right here and that is no longer an aspect of the application.

The project doesn't require any site improvements so there are no changes to the parking, circulation, handicap accessibility and the entire site is remaining exactly as it is today with the exception of two propane storage cages anchored to the wall and the outdoor display area.

The propane cages that we are proposing are typical, right here, two of them side by side. To give an indication of where they are in relationship to the entrance, this corner right here is one of the main entrances to the Ace Hardware and that corner coincides with this corner here so we are proposing propane cages generally in this area here. We can shift them left to right a little bit but generally that is where they are going to be located where these yellow rectangles are.

Those propane tanks when they are in place will provide a little bit over 4 foot separation between the back of these columns right here so there will be a minimum 4 foot wide gap at the back of the cage and the back of the column for ADA accessibility to the Ace Hardware Store. In addition, the outdoor display area we will also have a minimum of 4 feet between the back of

the columns and the display area.

In the Darmofalski Engineering report they discussed these two aspect of the application and they have to comply with the Borough's flood plain management ordinance, as well as the state regulations. The existing grade as you can see, the front of the building is 177.5, on the northerly end is 177.4 so we are basically at 177.5 elevation wise for both the outdoor display area and the propane cages.

The new or the preliminary hundred year flood elevation has recently been approved by FEMA and will become effective the end of June of this year. Actually it is elevation 176.9 so we are about a six tenth of foot above. As far as the municipal ordinance goes, we are in full compliance with the municipal ordinance with regard to displacing the flood water in development within the flood hazard area because both the propane cages and the outdoor display area will be six tenth of a foot above the hundred year flood.

With the NJDEP regulations, the regulatory flood would be 1 foot above that or 177.9, so the propane cages and the display area will be within the flood hazard area by about a foot. I looked at the state flood hazard area regulations and the propane cages comply with Permit-by-Rule 14 Open Structure, so they are in complete compliance with that permit-by-rule so it doesn't require any NJDEP permitting other than compliance with the permit-by-rule which it does.

The outdoor display area will comply with Permit-by-Rule #7 for 5 cubic yards of material within the flood hazard area. Now how do we get to the 5 cubic yards? Basically what you need to do for the 164 outdoor area to comply with the 5 cubic yard requirement is all the materials within the yellow hatched area will have to sit on a standard pallet. As long as all the material is on a standard pallet, they can stack them up and it doesn't matter how high they go (inaudible – microphone cut out). So put them on a 4 inch pallet and we are just over 4 cubic yards of storage within that 164 square foot area so we are in compliance with Permit-by-Rule #7 for the 5 cubic yard requirement. I think it comes out to be 4.3 or 4.4 cubic yards if all the material is stored on a pallet. They probably are going to store all the materials on a pallet anyhow because that is how they will probably move it around on a small pallet jack or on racks, so the bottom line is it will comply with Permit-by-Rule #7.

Chairman Blewett asked Mr. Mianecki I see you have a dimension from the door, the doorway to the edge of the propane enclosure at 16½ feet.

Mr. Mianecki testified yes.

Chairman Blewett asked is that sufficient space to allow ingress and egress in that area for like a shopping cart and things like that.

Mr. Mianecki testified absolutely.

Chairman Blewett asked do these units need to be anchored.

Mr. Mianecki testified although the FEMA LOMR has been approved, the fact that the flood elevation is no longer 182, so before it was 182 and now it has gone down to, the flood elevation dropped 4 feet literally by the adoption of this map which is incredible. Before that they absolutely had to be anchored to the building, but I still recommend that these propane cages at least minimally be anchored to the building just to keep somebody from possibly pulling them over or something like that. They are fairly safe but they should be anchored to the building yes.

Chairman Blewett stated so that is what you are proposing. As part of this plan, Ace intends on anchoring them correct?

Mr. Mianecki testified I recommend anchoring them.

One note that was on the plan is that during a flood the propane tanks would have to be removed and stored elsewhere. That is no longer necessary because the tanks sitting in the cages will be elevated above the state regulatory flood elevation and there is no need to remove the tanks from the cages other than for sale or trade.

Chairman Blewett stated okay. The display area you have highlighted in yellow is there a specific dimension for that or is there a reason it doesn't continue out to the edge of the awning?

Mr. Miannecki testified yes. Mr. Boorady's office pointed that out to me because originally I had it going all the way, but there is a door located right in here for access to the building and that's why I cut it short.

Chairman Blewett stated okay.

Mr. Miannecki testified I did not want to block that off. Maybe we can make it a hair longer but generally the door is right here. Actually it is opposite this blue curb cut so maybe they would be able to put a pallet on the other side. I felt this was fine.

Chairman Blewett asked Gary if he had a question.

Mr. Gemian stated yes I do. Since you brought up the locations of the tanks I have a couple of questions if I may? Just to pick up on Mr. Miannecki's comment where that door is, by the way I love the store and I shop there frequently, and I'm glad to hear you guys are in the black that's great news.

Mr. Vitale thanked him.

Mr. Gemian stated we want to keep you in the black so that means you are going to stick around in town for a while. My understanding is that door that you referred to Mr. Miannecki is used for loading up. Let's say if you buy a grill from the store, they load it up from that door for those kind of bulk items which is kind of a prelude to my question.

When I first saw this I asked why are these tanks so close to the entrance on the right as you face the building and not closer to the commercial egress and ingress on the left side of the yellow, so that is question number one. Is there any reason why you chose the location to be closer to the main entrance?

Mr. Miannecki testified there is no real reason but I figured there was more traffic coming around this corner and if somebody wanted to pull along the curb and do a quick pick up this would be a safer area to pick up a tank, open your trunk and take off as opposed to being closer to this intersection at the northerly end of the building that is the only reason.

Mr. Gemian stated there is actually more pedestrian traffic on the main entrance than at the edge of the building just be aware of that.

Mr. Miannecki asked Rocky if he had a preference.

Mr. Vitale testified it definitely has more visibility where it is now, but if we move it to the other end I'm fine with that as well.

Mr. Gemian stated just an intuitive reaction it is not a big issue in my mind but I just thought you had a reason for locating it nearer the main entrance.

Mr. Vitale testified whatever you prefer.

*Mayor Runfeldt asked Gary can I interrupt for one second.

Mr. Gemian stated sure.

Mayor Runfeldt stated I certainly hope we are not encouraging people to stop and park and do a drop off in the fire lane either.

Mr. Miannecki testified you know you get an elderly person that has, it is not going to be the norm but I imagine it will happen from time to time, like elderly people or somebody on crutches.

Mayor Runfeldt stated on crutches picking up a propane tank.

(Laughter)

Mayor Runfeldt stated it is not just picking it up but parking and going in and paying for it. I mean that is a huge problem for that particular complex and I want to make sure we aren't promoting it, but I'd like to see something done to discourage people from stopping and standing there.

Mr. Mianecky testified okay.

Mr. Schepis asked can you do something to allay the mayor's concern.

Mr. Vitale testified I guess I'm trying to think of an option here. I know quite honestly the customer comes in and makes the purchase and we do have, I mean we have carry out service. For the most part we have the same operation in our Caldwell store where we carry them out to the car, more than 50 to 60 percent we are carrying it out to the car.

Mr. Neiss stated the cages will be locked so somebody will have to come out and open the cage in order to get the tank out.

Mr. Vitale testified right. That is exactly correct and each of those hold 63 for whatever that means, one is full and one is for empty tanks. Yes they come out and open them and nine times out of the ten they do carry them out to the car.

Mr. Florentino asked is there any regulation where you have to put a barrier in front just in case some crazy person runs into it.

Mr. Vitale testified your point is well taken. In one of our other locations, and again it is a whole different layout in that store, but a car could actually come through a fence in that particular situation so in that case we put bollards behind it. We probably put two or three behind each cage to protect them.

Mr. Florentino asked will you be doing that here.

Mr. Vitale testified quite honestly we could do that. We have to make sure it lines up with the opening of the cages. We could actually put bollards one on each side of the cages to protect them. I understand your point if somebody jumps the curb, you know --

Mr. Mianecky testified the corners are protected. There is a column here and a column here so the two outside corners are semi-protected and the cages do not line up with a traffic isle.

Mayor Runfeldt asked Joe to show that front elevation again.

Mr. Vitale testified yeah that's a good point. I mean they are really covered well with those poles.

Mayor Runfeldt stated okay.

Mr. Vitale testified we will bolt it to the building. I mean I'm always willing to go the extra yard just from the liability perspective, I don't want to see anybody get hurt but I think we are okay here.

Mr. Petreski stated there is a curb right in front of the tanks and by putting those bollards you are blocking it for a handicap person.

Mr. Mianecky testified so what Alex is saying is, here we have a curb ramp and if we did put a bollard in here we would then have a substandard isle width for ADA accessibility.

Mr. Neiss asked what about between the two pillars/poles.

Mayor Runfeldt stated that is where the ramp is.

Mr. Mianecky testified the blue line is the ramp.

Mr. Neiss stated right.

Mr. Vitale testified we would block the ramp.

Mr. Miannecki testified we would block the ramp and that ramp is depicted --

Mr. Petreski stated you can see it in the photo.

Mr. Neiss asked what is that for.

Mr. Petreski stated handicap accessibility.

Mr. Neiss ask couldn't they create that elsewhere.

Mr. Miannecki testified here are the ADA spots right here. This is a covered overhang, we do have ADA accessibility in here.

Mayor Runfeldt asked does anyone have a problem with the existing columns that are there providing the distraction from running into it with a car, or does anybody think it needs additional.

Mr. Gemian stated I think that obviates the concern.

Mayor Runfeldt stated I do too.

Mr. Gemian stated I don't see it as an issue really.

Chairman Blewett stated and the fact that it is not aligned with a traffic aisle.

Mayor Runfeldt stated right.

Mr. Florentino stated if you don't remove it and it remains there I completely agree. There was a suggestion by Gary sending it to the opposite end. So Gary, if we move it there towards the end, is there a barrier that will prevent a car from --

Mr. Gemian stated well again putting on my sales and merchandising hat, I spent some time in retail, if I could offer a suggestion to Mr. Vitale. It would seem to me, if you put the cages in between the yellow sections you would have protection from a car running or anyone running into it because now you are actually in back of the two stanchions and you would actually give your customers an opportunity for purchase merchandizing by having the skids that you referred to earlier on either side of the cages and I think that would give you a better presentation visually, as well as functionally, that is just one man's opinion and I'll leave that with you.

I have two other questions regarding the tanks, if I may ask them at this point, Mr. Chairman?

Chairman Blewett stated go head.

Mr. Gemian stated my first question is these tanks arrive pre-filled correct?

Mr. Vitale testified yes.

Mr. Gemian asked are they new tanks or are they repurposed tanks before they are filled.

Mr. Vitale testified well they are repurposed tanks but they are verified safe.

Mr. Gemian stated my second question is, I understand from having a grill some years ago and having tanks myself, there is actually a rubberized protective device that goes on to protect the valve from being accidentally discharging gas. Do all these tanks have such a feature? How do we guard against someone inadvertently or intentionally opening up a valve for gas leakage? I presume that there is going to be some type of protection to protect that from happening?

Mr. Vitale testified yes sir.

Mr. Gemian stated those are the only two questions I had. Thank you.

Mr. Vitale testified not a problem.

Mr. Neiss asked can I ask a follow-up, maybe this question is for Joe. Is there any incident of explosion from a propane tank that's being stored in a retail location that you are aware of?

Mr. Mianecky testified not that I am aware of.

Mr. Vitale testified absolutely none. We have been in this business for many years, particularly in Caldwell, New Jersey. We've had it for a few years now and in several other stores too, and thank god there has never been an incident.

Mr. Neiss stated not just in your stores, Ace Hardware, but as a general proposition has there been any reported cases that you are aware of where these tanks have just blown?

Mr. Vitale testified no sir, not that I am aware of.

Mr. Gemian stated they keep them pretty well secured at least the ones that I have seen at Home Depot and Lowes. They are pretty well protected in the cage and then they have this safety feature on each tank and I would encourage Ace to make sure that that safety, it is a rubberized cover that covers the gauge so if someone opens up the valve purposely or by accident, the gas cannot escape because it has this protective rubberized cover on it.

Mayor Runfeldt stated there still needs to be an ignition source which there isn't anywhere in the area.

Mr. Taormina stated these tanks have safety check valves on them. So even if you leave the tank open that's why when you have a propane tank, you insert your regulator from the barbecue into it and that pushes against that check valve; opening up a valve will not let any propane to leak as long as they are functioning as designed you know barring any defects.

Mr. Mianecky testified that is correct. There is a check valve and it requires pressure pushing against that check valve to open it up, so you can have all those tanks wide open and they won't leak.

Mr. Vitale testified thank you.

Mr. Gemian stated that's all I have Mr. Chairman.

Chairman Blewett stated okay. Any other questions from the Board?

Mayor Runfeldt stated just circling back if I may, I understand with the plants and everything it is more of a temporary thing and maybe to dissuade some of the stopping and standing there if there is a display there during the seasonal months you put a portable sign there that says no stopping or standing right there. I really think that stopping or standing in that area should be discouraged. I wouldn't make a requirement that permanent signage be installed or anything like that, but maybe just as simple as putting out a little mobile or temporary sign that can be put out there during business hours to keep people from doing that is very warranted.

Mr. Neiss asked mayor do you think that problem would be mitigated if they moved the tank storage facility to the other side of the yellow --

Mayor Runfeldt stated absolutely not it is still a fire lane.

Mr. Neiss stated right. But as someone said earlier, I can see this happening frequently no matter what.

Mayor Runfeldt stated then the Borough will get a significant amount of increase from summonses.

Chairman Blewett stated the representative of Ace said they carry out a lot of stuff, do you want to go as far as to say no loading there?

Mayor Runfeldt stated I mean of less concern, if somebody is sitting in their car and somebody is bringing something out to it, obviously if there is an emergency they can move. My problem with it is if somebody is going in and saying can you open up the cage and say I'll exchange this and you are not in the car and god forbid an emergency happens, and then the appearance it gives. Somebody else drives by and sees somebody not in their car stopping or standing and then they go over to pick up their food from the sushi place or the pizza place and now we have a huge problem on our hands. I think it is a very easy and inexpensive and a minor solution to what could be a very large problem.

Mr. Taormina stated Dave, I do my propane exchange at Wolfson's Market or at Home Depot. There are many places that do Blue Rhino Exchanges. I don't think there should be any parking in a fire lane at all. I park in the lot and walk in the tank and leave it by the door. I pay for a new tank and the kid comes out and I walk it back to my car. Why should you have to double park in a fire lane anyway, just park in one of the thousand spots that are in front of the store and walk in and pay for your tank. I don't see why you would need to park in a fire lane anywhere at all.

Mr. Vitale testified if I could just comment if you don't mind. Unfortunately we don't do that kind of business where that parking lot is full all the time as we would like it to be and I'm just being totally honest with you, a lot of those front spaces get used first. Most of the time it is convenient parking and I think that helps mitigate the issues that you are speaking to. Unfortunately we don't have that kind of customer count that we'd like to have in that parking lot all the time but I understand your concern.

Mr. Neiss asked is there a proposal what you would do. Joe do you want to propose something along the line with what the mayor's --

Mr. Schepis stated we agree to what the mayor suggests.

Mr. Mianecky testified yeah maybe the mayor's suggestion, a little sign that says no stopping or standing or something like that so that they can pull it out in the morning and bring it back in the evening that's fine.

Mr. Neiss asked would it be on a concrete block that sort of thing.

Mayor Runfeldt stated that is old school they make plastic resin

Mr. Mianecky testified something that is light. If it is not light it is not going to get used. Keep it in the vestibule area over here at night and bring it out in the morning and stick it over here in between the two handicap ramps the sign, no stopping or standing done.

Mr. Vitale testified we can actually put a couple of signs there that's not a problem.

Mayor Runfeldt thanked him.

Mr. Schepis stated I do want to bring to everybody's attention that in conjunction with this application we are requesting a variance from Borough Code found in Section 28-15.1 D. It is an interesting ordinance that you have because it basically gives all permitted uses in the B-1 Zone which is, of course, Main Street and then it permits in the B-2 Zone all uses that are permitted in the B-Zone. So it seems when you have this limitation on outdoor displays and merchandise in the B-1 Zone and then it carries over to the B-2 Zone that it is probably considered a situation like this as compared to Main Street in the center of town. So Mr. Mianecky I'm going to turn this over to you to wear your planner's hat and provide some testimony with the requested variance.

Mr. Mianecky testified as pointed out, I think the ordinance is more geared towards downtown Lincoln Park where we have a small areas between the sidewalk that is kind of reserved for pedestrian traffic and situations like that. Here we are in front of the Ace Hardware and we have ample room and a parking lot, ample pedestrian circulation areas and will not negatively impact either parking or handicap accessibility, or pedestrian access, visibility or any kind of a site triangle type of situation. In uses like this are part and parcel with a hardware store that is really what this is, it is more of a glorified hardware store. As you pointed out, like the Home Depot, Lowes and even Shop-Rite, I don't know whether they got approved or not, but even Shop-Rite has outdoor display and sales of plants, salt and other material, so from a standpoint of negative

impact on the zone/zone plan I don't see it in a situation like this.

You are asking me if this situation was in downtown Lincoln Park on Main Street, I wouldn't be able to justify it. Considering where it is and the size of the building, it is actually a small space when you look at the 164 sq. ft. outdoor display compared to the size of the building. It is probably less than 1% of the building floor area the outdoor display area, so from a planning aspect it won't have any adverse effects.

Chairman Blewett asked Mr. Vitale do you anticipate having to secure the plant material or outdoor material with fencing.

Mr. Vitale testified we normally don't fence it in and it hasn't been an issue in any of our other stores.

Chairman Blewett stated so you don't intend on doing that.

Mr. Vitale testified unless it is required.

Chairman Blewett stated no, no I was just asking because I think the other location there was some fencing involved but you don't anticipate it here.

Mr. Schepis stated one thing that I noted is the display is underneath the overhang. The Home Depot when they sell these seasonal plants they are out in the open and generally plants seem to thrive in the sunlight compared to being underneath an overhang.

I have a question for Rocky as to whether or not it would be a benefit for the sale of these live plants to perhaps have them in that corner on Mr. Mianeck's plan (177.5), would that be a benefit to have some sunlight?

Mr. Vitale testified it couldn't hurt it would be a benefit. Quite honestly I'm not so sure because we are walking on eggshells getting into the business and we want to see how it takes off and, of course, the extra linear would help and it would be beneficial.

Mr. Schepis stated why don't we ask.

Mayor Runfeldt stated once again don't forget there is another emergency egress there.

Mr. Mianeck testified that is right here.

Mayor Runfeldt stated right.

Mr. Schepis stated we maintain that area clear of and look anything that we do here is subject to the Fire Department's review and approval, and we will maintain the separations as necessary (inaudible) the Home Depot has the layout in the sunshine.

Mr. Neiss stated Mr. Schepis I'm sorry, the sound on your end is a muddled I didn't get quite what it is you are proposing on behalf of the applicant.

Mr. Schepis stated what we are proposing is for that little hand on Mr. Mianeck's plan where it says 177.5 for the Board to permit us to have some outdoor display racks and sale of additional material there, such live plants. The concern that I have is live plants will most likely thrive in sunlight rather than under an overhang and for that reason we would like to have a little more display area providing we maintain the separation from the curb and the building and the entrance and exit doors, especially that one with the (inaudible). Of course whatever we do will be subject to Fire Department approval.

Mr. Florentino asked can we see it.

Mr. Mianeck asked are we good.

Mr. Florentino stated yes, so you are referring to this section here.

Mr. Schepis stated that's right.

Mr. Florentino asked is that enough space for pedestrians.

Mr. Runfeldt stated that space it looks like it is about 4 feet wide. If you take that small area I think you are asking for a lot. That small area where a table is to put something there that is going to quite possibly impede on the four feet of walkway that you have for pedestrians. I don't know that we can just go ahead and do that now. Just so you know, the front of the building gets sunlight probably from noon on so I don't know that sunlight is a problem. I am not a horticulturist by any means or in any sense of the imagination.

Mr. Gemian stated I've actually shopped at the store during planting season and there have been times when you featured garden vegetables and I have to tell you I was quite disappointed, and I think Mr. Schepis has quite hit the nail on the head. The overhang seems to retard the plant growth and very candidly I did not purchase any garden vegetables because they looked wilted; either the store wasn't watering them, or they were wilted for lack of sunlight, so you might want to rethink that one for your vegetables from a customer's point of view.

Mr. Vitale testified point well taken.

Mr. Neiss asked can I ask a question.

Chairman Blewett stated you can.

Mr. Neiss asked is it relevant to ask why the applicant withdrew the request for the parking lot putting the peat moss and the other things in the parking lot.

Mr. Schepis stated none of your business.

(Laughter)

Mr. Neiss stated I figured you would say that Steve.

Mr. Schepis asked Rocky why don't you address that question.

Mr. MianECKI testified we actually went round and round on it. You need a fence there and it wasn't near the building and then we had circulation issues where it was up against an isle so it didn't make sense.

Mayor Runfeldt stated this is a much better option.

Chairman Blewett asked any other questions of the applicant. Mr. Schepis do you want to wrap up? This is a public hearing so we have to open it to the public even though I see no one there.

Mr. Schepis stated open it up and then we will be done.

Chairman Blewett asked is there a motion to open the meeting up to the public.

Mayor Runfeldt moved to open to the public.

Mr. Florentino seconds.

Mayor Runfeldt stated seeing no one wishing to come forward I move that we close the public hearing.

Mr. Gemian seconds.

Chairman Blewett stated Mr. Schepis.

Mr. Schepis thanked everybody. I was glad that we were able to take care of this this evening despite the inclement weather. I do remember for many years the facility was empty after Walgreens relocated and the property owner had a tough time getting someone to fill the space.

I represented Walgreens' developer and it was her responsibility to find a tenant for the space as part of the luring away of Walgreens and it was very difficult.

Ace Costello's came to us and they didn't want the whole space and then they agreed to take the whole space and the facility is really dependent on Ace succeeding. If they don't succeed this place will look like the strip mall out in Eastern Pennsylvania where it is empty and terrible for the town and for the property owner, and everything should be done to accommodate this project and make this a good anchor store.

I want to commend the applicant as well, the first plan putting plants and things in the parking lot just didn't work and when they realized it they didn't push the issue. What we have here is a real reasonable option in order to stay competitive with you know who so Rocky doesn't have to send his customers down the block. Thank you.

Chairman Blewett asked is there any other discussion from the Board. Is there a motion to approve?

Mayor Runfeldt asked are we approving as is or are we approving for the extra sunlit area on the corner there. I wasn't sure whether that was made part of the application or not.

Chairman Blewett stated yeah I didn't hear that either.

Mayor Runfeldt stated I will approve it without that.

Mr. Florentino stated just real quick, Mayor Runfeldt is approving it as is without the (inaudible – microphone not picking up).approving having signage --

Mayor Runfeldt stated with the agreements we made yes.

Mr. Florentino seconds the motion.

Chairman Blewett asked Joan to call the roll.

Ms. Ward stated sure.

Roll call:

Yes: Runfeldt, Florentino, Blewett, Gemian, Taormina and Terrero

No: None

Abstain: None

Mr. Schepis thanked the Board. I guess you don't have to worry about a safe trip home.

Mr. Vitale thanked everyone.

Mayor Runfeldt stated Rocco good luck.

Mr. Vitale testified stay well.

Chairman Blewett stated you too.

The next item on the agenda is there any business which someone wants to bring up?

Mayor Runfeldt stated if I could.

Chairman Blewett stated go ahead.

Mayor Runfeldt stated Mr. Miannecki alluded to it during his presentation, but the Borough has received the LOMR, the letter of map revision from FEMA that we've been waiting for forever, and we just received it last Friday and it does take quite a bit of, especially this Main Street area

out of the FEMA flood area flood plain. Obviously development has to adhere to DEP flood regulations, but this is a good thing moving forward for some of the proposed developments and even more importantly for some of the residences in this area who have a little more flexibility with their own property now, and even more importantly the reduction to their flood insurance so that came through on Friday.

Chairman Blewett stated okay. Any other new business?

Ms. Ward stated I have nothing.

Chairman Blewett stated Arthur just a quick question. You did send out a note having to include environmental impacts in the Master Plan.

Mr. Neiss stated yes climate change.

Chairman Blewett stated climate change impacts.

Mayor Runfeldt stated I assume that is when we redo our Master Plan correct?

Mr. Neiss stated yes and I'm pretty much assured of that. It is not clear from the legislation but that will be the position we will take.

Mayor Runfeldt stated which I think we just did not all too long ago.

Mr. Neiss stated I think we are coming up again. Joan would you --

Ms. Ward stated we did it in 2012 so it is every ten years and it is coming up again.

Mayor Runfeldt stated okay.

Chairman Blewett stated I thought we did it not that long ago.

Mayor Runfeldt stated you know what we did a revision after that I think.

Ms. Ward stated the Re-examination was in 2012.

Mayor Runfeldt stated we did an amendment to it after we did the Downtown Redevelopment Zone, it was what do they call it?

Mr. Neiss stated Re-examination.

Mayor Runfeldt stated Re-examination. We do have a green team set up in town and I know we've work on a lot of these issues regarding Best Practices for the state and to keep our Sustainable New Jersey Certification so when it comes time we can call in some of those resources and it can probably help us quite a bit.

Chairman Blewett stated okay. Any other business? Motion to adjourn

Mr. Terrero moved to adjourn.

Mr. Taormina seconds.

Chairman Blewett stated all in favor.

Board aye.

Chairman Blewett asked opposed.

Board none

Chairman Blewett stated thanks everybody.

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Meeting adjourned at 8:10 P.M.

Respectfully submitted:

Joan Ward, Secretary

Charles Blewett, Jr., Chairman