

**MINUTES OF REGULAR ZONING BOARD OF ADJUSTMENT  
MEETING HELD ON TUESDAY, OCTOBER 12, 2021**

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Vice Chairman Zapf called to order the regular 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. All stood for the Pledge of Allegiance.

**PRESENT: DUBOWSKY, ERICKSON, KUBISKY, WOLFSON, ZALEWSKI, ZAPF AND KENNEDY (ALT. #1)**

**ALSO PRESENT: BOORADY, ENGINEER AND ALEXANDER, COUNSEL**

**ABSENT: BYRNE**

Vice Chairman Zapf stated the first order of business is the approval of the minutes from the September 14<sup>th</sup> meeting. Does anybody have any comments? I didn't see anything.

Ms. Ward stated everyone that is present can vote on them.

Ms. Kubisky asked for the roll call wasn't Les here last month.

Vice Chairman Zapf stated yes.

Ms. Kubisky stated he is omitted from the roll call.

Vice Chairman Zapf stated no he is in the minutes, he is the third name right after yours.

Ms. Kubisky stated roll call down here in the middle.

Mr. Dubowsky stated that was voting on the minutes.

Vice Chairman Zapf stated the roll call is at the top where it says present. You are looking at the roll call for the minutes and I don't think Lester can vote because he wasn't here, that was from the meeting before.

Ms. Kubisky stated I'm sorry, okay.

Ms. Ward stated everyone can vote on these minutes. John came in right after the roll call.

Vice Chairman Zapf stated if we have no further comments, I'll make the motion to pass the minutes as presented.

Mr. Dubowsky seconds.

**Roll call:**

**Yes: Zapf, Dubowsky, Erickson, Kubisky, Wolfson, Zalewski and Kennedy (Alt. #1)**

**No: None**

**Abstain: None**

Ms. Ward stated they're approved.

Vice Chairman Zapf stated the next item on the agenda is a waiver request with reference to Preliminary & Final Major Site Plan Application #377 and Variance Application #2021-03 (use/bulk) by PK Petroleum Five, LLC, on property known as Block 22.1, Lot 291 on the municipal tax maps also known as 3 Chapel Hill Road. So sir you are?

Mr. Vander Valk stated I'm the engineer for the applicant.

Vice Chairman Zapf stated Craig will swear you in.

Mr. Alexander asked what is your name sir.

Mr. Vander Valk stated Tyler Vander Valk. (V-a-n-d-e-r V-a-l-k).

Mr. Alexander swore in Mr. Vander Valk. You are the engineer who prepared the plans for this project?

Mr. Vander Valk testified that is correct.

Mr. Alexander asked you are licensed in New Jersey.

Just so the Board knows, I got a call from Michael Selvaggi who is the attorney and was inquiring whether he had to attend the meeting tonight and I told him it wasn't necessary given that the engineer and Tom can work it out with the testimony required. Tom why don't you take it away with your memo.

Mr. Boorady stated okay sure.

Vice Chairman Zapf asked do we want to get a brief statement of what they want to do.

Mr. Boorady asked would you mind giving a brief overview of the proposed project.

Mr. Vander Valk testified that would be fine.

Vice Chairman Zapf stated thank you, then Tom can go over his report.

Mr. Vander Valk testified I'm sure everyone is well aware of the property located at 3 Chapel Hill Road, at the intersection of Main Street and Chapel Hill Road, right down here at the corner. The applicant is proposing to construct a small addition, as well as a second story addition on the existing building that is there, as well as rearranging the gasoline dispensers for better spacing and construct a new canopy over top of those dispensers, and also looking to replace their underground storage tanks for the fuel service. There are a number of small improvements there that are ancillary to the project.

Vice Chairman Zapf stated okay.

Mr. Boorady stated okay. I issued a letter on September 27<sup>th</sup>, 2021, it is a completeness letter where I summarize everything that we received and everything that is either missing or requires a waiver. So the first two pages of my letter provides a listing of all the documents that we received so it is about 21 items so it is a lot. Starting on page 3 is my completeness review.

On page 3 we have the checklist for general information. Item #1 is the standard development application that is the form that has all the data for the project; the applicant's name, the zoning and variances that they need and a description of the project. There are some items that still need to be revised. They revised it once and they are going to have to revise it one more time to fill in A through E items, so there is no real waivers from that they just need to coordinate that with us all of those items..

Item #9 happens after they are complete, so they have to provide enough copies of documents to Joan.

Item #10 is going to be a waiver from filing a TBSA form as they are not really changing the use that would generate the need for authorization from TBSA, but we would say, they just get approval subject to any approval from the Board to confirm it. They have service already and they are only adding an office space above.

Vice Chairman Zapf stated I was going to ask what was going up on the second floor, just an office and same people, no apartment or anything like that.

Mr. Boorady stated no. So I would just say a waiver is appropriate for Item #10 and also for #12 a waiver is appropriate. The property is pretty flat so we wouldn't need or benefit from any slope map, so 10 and 12 are waivers which is on the checklist for general information.

The other checklist is for final major site plan, starting on page 4, Item 1 is just complying with the other checklist.

Item #2 is again a repeat of the TBSA so that is a waiver recommendation.

Item #4 and 5 relate to flood development and if no one is familiar the Borough obtained the letter of map amendment for revision for the downtown area and some parts beyond, so they need a waiver from meeting your Borough's flood development requirements because they are no longer in the FEMA flood hazard area. They are still technically within the DEP so we will just need them to obtain a verification subject to approval which they will get and the DEP will issue that because they were part of the LOMR, so it is just a paperwork item. Items #4 and 5 I would recommend waivers from if the applicant agrees to obtain a verification from the DEP that they are out of their flood hazard area as well.

Item #6 there are no wetlands in this area so I think a waiver is appropriate, it is a fully developed downtown area.

Item #7 we would recommend that the Soil Erosion Conservation District certification comes after approval, so if there are any plan revisions they are not going back and forth with that agency with multiple submissions and reviews.

So to summarize on page 4, Items 2 through 7 are waivers and Items 2, 4 and 7 they will have to comply with subject to approval okay.

Vice Chairman Zapf stated okay.

Mr. Boorady stated Item 8.a. relates to the zoning table and I believe we need some clarification on that and I won't go over all of them as long as the applicant and the engineer understand that there are some revisions to the plan and zoning table to show the level of conformance in the proper way. So there is no waiver that I am recommending from 8.a., it is more or less a bookkeeping thing that the parking calculations and some of the information on the fence height.

Mr. Vander Valk testified right. I think the fence along Chapel Hill we would just reduce that height to be compliant. I guess on the parking calculation issue being that the use is not a permitted use and therefore there is not a standard within the ordinance, so I guess there is just some testimony that needs to be supplied in that regard.

Vice Chairman Zapf stated correct.

Mr. Boorady asked was the planner's report submitted.

Mr. Vander Valk stated you have it referred here a couple of times a planner's report but I don't remember seeing one.

Mr. Boorady stated well if there is, I think we are asking for that to be potentially revised. Joan do you remember if we received a planner's report?

Ms. Ward stated no, I did not see a planner's report come in.

Mr. Boorady stated okay.

Ms. Ward stated it is on our checklist for a use variance, but we haven't received one for this application.

Mr. Boorady stated I think we keep talking about it but we haven't received it, even though the checklist requires for a use variance the applicant provides a written planner's report. Do you know who your planner is?

Mr. Vander Valk testified no not yet I don't believe.

Mr. Boorady stated alright.

Mr. Vander Valk testified we will certainly have one and get a report done.

Mr. Boorady stated make sure they get a copy of the letter and make sure they address any planning items that are in there, so that is not a waiver.

Mr. Vander Valk testified sure, some explanation.

Mr. Boorady stated so Item 8M and 8N is a partial waiver and that is from picking up all the sewers, storm drains, water mains, gas and any other utilities outside of the front of the property. I don't think you need that information 200 feet away it is not going to be helpful to the site. So I would say, this is a partial waiver that they provide all this information on the property and in front of the property on both frontages.

Vice Chairman Zapf asked Mr. Vander Valk if he was okay with that.

Mr. Vander Valk testified yes.

Mr. Boorady stated Item 8N is the location description of proposed utilities and that is see 8M above, basically it is a repeat.

Vice Chairman Zapf stated on property only.

Mr. Boorady stated just make sure all the proposed utilities are shown.

Mr. Vander Valk testified right okay.

Mr. Boorady stated Item 8S is a repeat again. It is going to be out of the flood hazard area so I would recommend a full waiver from this.

Item 8T is a full waiver from obtaining an LOI because there are no wetlands downtown.

Item 8U again this refers back to DEP permits and I would just say that there is a full waiver on that because the verification will be handled through the other checklist item. That again is a flood related item.

On page 5, Item 8X the existing lighting and landscaping plan, you are looking for a waiver from what exactly?

Mr. Vander Valk testified the existing conditions since we are doing all new lighting on site, so the existing lighting will be removed. We are just looking for a waiver from showing the existing lighting.

Mr. Boorady stated I don't have any objection in not showing the existing as long as it is all going to be removed, so that is a recommended waiver.

Item 8Z not able to relocate the dumpster in recycling area, so if you can just confirm that that is shown.

Mr. Vander Valk testified it is right in the area of the proposed off road diesel dispenser that is along the easterly property line just sitting on the pavement today. There is no enclosure or anything but there is a loose dumpster out there. I'm sure it moves around because it doesn't have a set location, but that is where it was at the time when I found it.

Mr. Boorady stated okay I got it.

Vice Chairman Zapf asked is it going to be in the same place.

Mr. Vander Valk testified well we are proposing a new enclosure.

Mr. Boorady stated okay. Item 8HH and that is a completeness waiver, partial completeness waiver, so all existing signs are going to be removed.

Mr. Vander Valk testified right. The building mounted signs are all going to be removed. The pylon sign will be modified, but all the other existing signs on the building will be removed and we have some new ones being proposed.

Mr. Boorady stated okay. I don't have any objection to not showing the existing signs as long as they are going to be removed or modified.

Vice Chairman Zapf stated we are more concerned about the new ones.

Mr. Boorady stated yeah so anything that is going to be modified show that.

Mr. Vander Valk testified okay.

Mr. Boorady stated Item 8JJ existing site lighting, again we talked about that it is a repeat. Some of our checklist items repeat for some reason.

Item #8PP information within 200 ft.; such as right-of-ways, improvements, water courses, I would recommend a partial waiver as long as everything is shown on the property and within the frontage of the property on Main and Chapel and that could be a partial waiver I don't think we need information 200 ft. away.

Item #9 I recommend a waiver from showing the existing lighting because it will all be removed.

Item #20 samples of exterior finishes and a waiver has been requested from providing that. I believe the architectural plan there is some images shown with dimensions.

Mr. Vander Valk testified of course, I failed to print these in color but we have some images showing the materials and it will be in color on the submission, the color of the materials.

Mr. Boorady stated so Item 20 is a waiver for not getting the actual pieces of brick.

Vice Chairman Zapf stated we are going to have a picture instead.

Mr. Boorady stated you will have a picture of it instead.

Vice Chairman Zapf stated okay.

Mr. Boorady stated is that okay with the Board?

Item #4 on the variance application, on page 6 is a planner's report which we haven't received.

Vice Chairman Zapf stated and we want one.

Mr. Boorady stated yes.

Vice Chairman Zapf stated okay.

Mr. Boorady stated that kind of sums it up. I don't know if you want to add anything to any of those items?

Mr. Vander Valk testified not specifically. I guess my hope would be, if the Board would find it favorable to grant these waivers that were requested because there were a couple of open items including the planner's report, as well as updates to the application, if those items could be submitted 10 days in advance of the next hearing, I would hope we wouldn't have to delay any further on completeness issues.

Mr. Boorady stated we kind of need those items to deem it complete. We need the application form and planner's report.

Mr. Vander Valk testified okay. I guess the third item was the on-site utilities that would be required too. I think those are the 3 remaining open items.

Mr. Boorady stated I think we need those because there is so much happening that the existing utilities really need to be shown to make sure there are not going to be any conflicts.

Mr. Vander Valk testified sure.

Vice Chairman Zapf stated back to the general information checklist, we didn't ask the question before we move on, but Items a through e you are okay with that?

Mr. Vander Valk testified yes, especially that line by Mr. Boorady with the limited space on the application form itself, some of these items might be spelled out in the planner's report instead but the information will be provided.

Vice Chairman Zapf stated okay. As long as we have acknowledgment and you are in agreement with that, his call out is there.

Mr. Vander Valk testified okay.

Vice Chairman Zapf asked does anybody on the Board have any questions for our engineer or of Mr. Vander Valk. Okay we are all good okay.

I think what we should do is do the general information and we have two waivers on there, and let's go onto the final major site plan and we will just list the partials, the full waivers as recommended by Tom. The variance application we are asking for a planner's report. Why don't we start with the general information checklist and the recommendation is, Tom is okay with us granting a waiver on Items #10 and 12. Item #10 is going to be a condition of completeness correct?

Mr. Boorady stated a condition of approval.

Vice Chairman Zapf stated okay. So Items 10 and 12 and this on page 3.

Ms. Ward stated why don't you list them altogether and then take a vote on them all because Tom will markup the checklists with the partial and full completeness waivers. I think that would be easier for you.

Vice Chairman Zapf stated alright. That was the general checklist. Preliminary & final major site plan Item #2 is a recommendation of a full waiver but it is still a condition of approval. Same thing with Item #4 also a condition of approval. Item #5 is a full waiver, Item 6 a full waiver, Item 7 is a condition of approval, Item 8 is a partial waiver, Item 8S is a full waiver, Item 8T is a full waiver, Item 8U is a full waiver, Item 8X is a full waiver, Item 8HH is a partial waiver, Item 8PP is a partial waiver, Item 9 full waiver and Item 20 a full waiver. Did I get it Tom?

Mr. Boorady stated asked did you get JJ in there.

Vice Chairman Zapf stated that one you said was a repeat.

Mr. Boorady stated yes.

Vice Chairman Zapf asked do you want us to say it.

Mr. Boorady stated let's call it a full waiver.

Vice Chairman Zapf stated okay, we will call it a full waiver Item JJ. Did I miss anything Tom?

Mr. Boorady stated no.

Vice Chairman Zapf stated okay. Then on the last page we don't have a waiver for the planner's report because we want that. I'll make a motion to grant the waivers as listed. Is there a second?

Mr. Erickson seconds.

**Roll call:**

**Yes:** Zapf, Erickson, Dubowsky, Kubisky, Zalewski and Kennedy (Alt. #1)

**No:** None

**Abstain:** None

Mr. Wolfson stated I have to recuse myself as I am a property owner within 200 ft. of the application.

Vice Chairman Zapf thanked Lester.

Mr. Ward stated okay granted.

Mr. Vander Valk thanked everyone. It is my understanding that once these missing items are submitted, we are not repeating a completeness hearing and we will be scheduled for a public hearing.

Ms. Ward stated it will go back to Mr. Boorady for completeness and a report. Once you are deemed complete then you'll be notified and scheduled for a public hearing. You will have to provide the number of copies and everything for Board members.

Mr. Boorady asked Joan how many do you want for completeness.

Ms. Ward stated 3 initially. After you are deemed complete, then the rest of the copies will have to be submitted for the Board.

Mr. Vander Valk stated okay, will do. Thank you.

Ms. Ward asked I have a question for you, are you related to Roland Vander Valk.

Mr. Vander Valk stated I thought I would get that question tonight.

Ms. Ward stated oh yes

Mr. Vander Valk stated he was my grandfather.

Ms. Ward stated I worked with Roland for many years.

Mr. Vander Valk stated I grew up on Chapel Hill.

Ms. Ward stated when I saw the name Vander Valk I thought you might be related to Roland.

Mr. Vander Valk stated back when you had trailers.

Ms. Ward stated yes.

Mr. Vander Valk thanked everyone for their time.

Vice Chairman Zapf stated we do have another piece of business to conduct tonight. As you all know, tonight is John Erickson's last meeting with us because he is moving to another County and town. We have in honor of him, time does sure fly, but I would like to read this on the record: It is Lincoln Park, New Jersey presented to John Erickson in appreciation for your dedicated service to our Zoning Board of Adjustment and presented by us this evening for your years of service for 2012 to 2021. Time sure does fly and it seems like less time than that but 9 years.

Mrs. Kubisky stated wow!

Vice Chairman Zapf state 9 years.

Applause for John.

Mr. Erickson thanked everyone and it has been a real pleasure serving with you guys and I learned a lot. .

Vice Chairman Zapf stated we are going to miss you.

Mr. Erickson stated thank you.

Vice Chairman Zapf asked is there any other business anyone has.

Mr. Alexander asked who has been on the Board the longest.

Mr. Boorady stated Joan.

Vice Chairman Zapf stated I think it is Mary.

Ms. Ward stated no it is Pat.

Vice Chairman Zapf stated here tonight it is Mary.

Mr. Wolfson asked how many years Mary.

Mrs. Kubisky stated I don't know, maybe 9 or 10 years.

Vice Chairman Zapf stated I'm 11 and you are more than me.

Being we have no other business, the waitresses are going to come in with the champagne cocktails but no hor d'oeuvres so we are going to have a party. I'll entertain a motion to adjourn the meeting.

Mrs. Kubisky made the motion to adjourn.

Vice Chairman Zapf asked John do you want to second it, your last official thing.

Mr. Erickson seconds.

Vice Chairman Zapf thanked him.

Meeting adjourned 7:28 P.M.

Respectfully submitted:

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Joan Ward, Secretary

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Thomas Zapf, Vice Chairman