

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
OCTOBER 12, 2017**

This meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary Schwinder opened the meeting at 8:04 PM. In compliance with the Open Public Meeting Act, the Clerk has notified The Record and The Ridgewood News of this meeting and notice has been posted in the Municipal Building.

Pledge of Allegiance

Roll Call:

Robert Adams	Absent
Alban Bresa	Present
Thomas Callagee	Absent
Michael DeOrio	Present
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Present
Doug McKendry	Absent
Norman Rieger	Absent
Thomas Sudano	Present
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Absent
Neil Tortora, Substitute LUB Attorney	Present
Gary Ascolese, LUB Engineer	Present
Bridgette Bogart, Borough Planner	Present
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Interim Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Interim Secretary	Present

Mr. Schwinder asked if there were any comments on the minutes of September 28 meeting, hearing none he asked for a motion to approve, which was offered by Gary Goursky, second by Mr. Kutzin. All voted to accept the minutes

Ms. Shust was asked to read the vouchers

Vouchers Oct. 12, 2017

10/2/2017	17-01627	Shust	Land Use Board meeting 9/28	\$	150.00
10/2/2017	17-01619	Morrison Mahoney	Gitto Residence, 208 Lincoln Blvd.	\$	448.00
10/2/2017	17-01620	Boswell	Gitto Residence, 208 Lincoln Blvd.	\$	197.50
9/26/2017	17-01581	Ray's Repro	Rich's Auto	\$	35.19
					\$ 830.69

Councilman Falotico motioned that the vouchers be accepted for payment, second by Mr. DeOrio, all were in favor.

Mr. Schwinder reminded the board and spectators that at the previous meeting of September 28, Ms. Bogart made her preliminary report on the Reexamination of the Master Plan

Presentation: Reexamination of Master Plan, 10 year review

Mr. Schwinder asked Ms. Bogart to present her final recommendations in the reexamination of the Master Plan.

Mr. Tortora asked Ms. Bogart about her credentials and qualifications which were accepted.

Ms. Bogart, 47 So. Franklin Tpke, Ramsey, NJ, stated that she had received some input from the Board and from the residents of Emerson, some of which were incorporated into the report. Her report was reviewed page by page with only minimal changes from her previous recommendations. She stated that her report was hand delivered to the adjacent municipalities and the County on October 2, 2017 as required.

She explained that this reexamination is required by Land Use Law every ten years to evaluate any changes in community needs. The first section of her report reviewed the requirements deemed necessary in 2007, both for residential and commercial.

The second part of the report detailed any changes recommended. For the most part the residential needs remained the same: multi-family units, Fair Share and Affordable housing. She also stated that she believes a buffer should be established to delineate properties.

As for commercial in the IM Zone, ending on the North side of Chestnut; this area may also be appropriate to accommodate the Affordable Housing overlay that was designated for the Verizon Property, particularly since any traffic impacts associated with higher density will be north of the Central Business District. Ms. Bogart also recommends that the allowed businesses be expanded to include:

- 1) Retail
- 2) Service commercial
- 3) Educational Studios
- 4) Wholesale
- 5) Warehousing
- 6) Light manufacturing which is characterized by less capital-intensive and more labor intensive operations. Products made by a light industrial facility tend to be targeted toward end consumers rather than other businesses.
- 7) Assembly and distribution
- 8) Storage facilities

Mr. Schwinder suggested that the IM Zone include the south side of Chestnut, to encourage current and/or future businesses to consider an overlay of housing. After some discussion between Mr. Schwinder, Mayor Lamatina and Ms. Bogart regarding the current lot sizes and uses, Ms. Bogart agreed that the south side of Chestnut, as well as the Kuiken property, would be included.

The redevelopment of block 419 is unchanged.

Mayor Lamatina asked about the area south of block 419. Ms. Bogart replied she had reviewed blocks 616 & 617.01 do not meet criteria of the Central Business District, block 419, and should be rezoned to compliment the development of block 419.

Mr. Schwinder asked if gas/filling station was included in the businesses permitted in the zone. Ms. Bogart replied that it was not. If, in the future, the gas station was removed, anyone desiring a gas station location would have to apply for a variance

Mayor Lamatina referred to Page 12, which reads: Based on the findings of this investigation, the recommendation to the Borough Governing Body is to consider rezoning this area to permit the existing uses but also allow for a higher density development that may encourage redevelopment from the private sector without the need for a redevelopment

designation. The rezoning should permit mixed-use development and require at a minimum a 20% set as side for affordable housing.

Similar to the IM district study, it is recommended that the rezoning allow for the existing uses to continue. Therefore, it is recommended that the permitted uses be amended to reflect exiting conditions. Further mixed-use development could be permitted as a conditional use similar to the recommendation for the IM district. Block 616 & 617 would be appropriate for providing affordable housing consistent with the redevelopment of Block 419.

He wanted to be sure, that although no additional gas stations would be allowed, the location of the Valero station would continue as a gas station and grandfathered as long as there was no interruption in business use.

Ms. Bogart agreed.

The goal to preserve the aesthetic enhancements of the commercial areas of the municipality by encouraging the general maintenance of all buildings, parking areas, storefronts, sidewalks and other public areas remains unchanged. The Borough seeks to encourage the ongoing maintenance of all commercial properties and seeks to enforce the building maintenance regulations set forth in the Borough Code.

Ms. Bogart strongly urges that the Borough adopt a signage system including the street signs to reflect current trends.

Since 2007, the changes to assumptions, policies and objectives mainly relate to the downtown redevelopment and affordable housing. The affordable housing requirements are no longer under the jurisdiction of the Council on Affordable Housing and now reside with the Court system.

In order to ensure that the Borough remains immune to builder's remedy lawsuits, the Borough is actively engaged in mediation and is moving forward towards a settlement agreement. The mediation and agreement depend on a number of planning items, which are all noted above.

Since 2007, the objectives for the downtown redevelopment have changed. Previously all the plans revolved around the entire downtown being redevelopment in accordance with the plans set forth by the Borough. Most recently, the Borough has modified its thought process and is focused on the redevelopment of Block 419 and modified zoning to compliment the redevelopment. This was based on the finding that a number of lots no longer meet the required criteria in order to be designated as an Area In Need of Redevelopment.

Ms. Bogart also added a goal to encourage awareness and protection of Emerson's cultural, social and historic heritage in order to provide a link to the past as well as enhance the character and visual image of the municipality. In order to achieve this goal, the Borough looks to recognize the historically significant structures and landmarks as an important asset. And to further ensure that future development is sensitive to the historic elements of the municipality and future structures, enhance the historic character of the area through proper site planning and architectural design. In order to achieve this goal, the preparation of a Historic Preservation Element is recommended.

Ms. Bogart strongly recommends the updating of street and parking signage.

Mr. Schwinder asked Ms. Bogart to be sure parking requirements are included in the report to be sure any new development has specific ratios as area are redeveloped.

Mr. DeOrio referred to Page 15, Item 'D' in reference to Mr. Schwinder's suggestion. "Goal 4: To look at other opportunities to plan for uses and developments that compliments the Central Business District Redevelopment and roadway improvements. These opportunities should allow for reasonable development without significant negative impact to the surrounding single-family neighborhoods. Within this context, any future development in the Central Business District should recognize the need for parking and create a design to maximum the amount of parking, create efficient use of land for parking and potentially looked at shared parking opportunities."

Mr. Schwinder asked the Board if they had any additional comments or questions, hearing none, he asked for a motion to open the floor to the public on this subject only. The Motion was made by Councilman Falotico and seconded by Mr. Malone, all were in favor.

Mr. Ed Buette approached the podium and suggested that block 616 lots 1 and 2 both be designated as being in the CB district. Currently Lot 2 is in the RB zone. Mr. Buette was aware that there is a pending application for development of those two lots and it would be practical to look ahead and zone accordingly.

Mr. Schwinder asked what was in those lots currently. Mr. Buette replied Lot 1 was CB zone and Lot 2 was RD zone.

Mayor Lamatina asked which lots he was referring to. Mr. Buette replied Lot 1 is the Valero and Lot 2 is currently an empty house. Mr. Buette suggested repeated his suggestion that the CB zone be extended by one lot.

Ms. Jill McGuire of 154 Linwood Ave. approached the podium and asked the Board to reconsider allowing additional housing on Linwood Ave. She stated that traffic on Linwood Ave was heavy now and additional housing would only increase it. She suggested that rezoning Block 616 wait until the completion of the redevelopment of Block 419, to see how traffic would be affected and if the RB zone needed to be changed.

Mr. Schwinder thanked Ms. McGuire and Mr. Buette for their input.

Mr. Robert Oberhauer of 161 Kinderkamack Rd., approached the podium. He is the owner of Lots 1 and 2 of Block 61, which are located across from Boston Market. He thought that rezoning the lots would allow for the enhancement of the area.

Mr. Schwinder asked if there were any other comments. Ms. Mc Guire again approached the podium and reminded the Board about a 10 family unit which had been brought to the Board. Mayor Lamatina replied that although the application had been filled out, the project has not been presented to the Board. Rezoning of those lots is not being considered.,

Mr. Schwinder asked if there were any other comments, hearing none, he asked for a motion to close the floor to the public. Mr. Goursky made the motion to close the floor, seconded by Councilman Falotico, all were in favor.

Mr. Schwinder again asked the Board if there were any comments or questions. Since there was none, he asked for a motion in regard to the Reexamination

Mr. Goursky made a motion to recommend the 2017 Reexamination Report be sent to the Mayor and Council with the changes discussed during the meeting. The motion was seconded by Councilman Falotico. Mr. Adams, Mr. DeOrio, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Sudano, Councilman Folotico, Mayor Lamatina and chairman Schwinder were in favor.

Mr. Schwinder directed Mr. Tortora to have a resolution drawn recommending the Reexamination Report, which would be forwarded to the Mayor and Council.

9 Van Buren, LLC Variance use 17b Palisade Ave.

As in the previous meeting, Mr. Schwinder recused himself for the 9 Van Buren, LLC, as did Mayor Lamatina and Councilman Falotico. Mr. Gary Goursky took over the Chair and Mr. Russ Huntington approached the podium to continue his presentation.

Since Mr. Ascolese had visited the site and reviewed the plans for the parking area, Mr. Goursky asked Mr. Ascolese to take the lead on the findings.

Mr. Ascolese reported that he met with Mr. O'Brien and Mr. Chris Amoral, on the site and surveyed the property for parking and striping. He found there was an 80' for width which was wide enough for the trucks to make the turn and Park the trucks according to the proposed plan, with parking spaces 1 – 15 for Amoral Landscaping, the balance for Academy Electric which was in another building.

There are two 10 foot easements which are over sewer lines. There are to be no exterior changes to the building, therefore no property variances are required. They are applying only for a use variance, as specified at the previous appearance on September 28.

Mr. Goursky asked if Mr. Ascolese if he had reviewed the entire exterior. Mr. Ascolese replied he had and the plot plans with parking arrangement are on file.

Mr. Goursky asked if there were any questions from the Board. Mr. Goursky asked Mr. Amoral about storage of snow plows and repair of vehicles. Mr. Amoral replied the plows were stored offsite, and the repairs were also done offsite. Mr. Goursky asked Mr. Huntington if he had any additional comments. Mr. Huntington stated he was finished. Mr. Goursky then asked for a motion to open the floor to the public, which was made by Mr. Kutzin, second by Mr. DeOrio. All were in favor.

Mr. Amoral's attorney, Donald Nemcik, approached the podium to assure the Board that Mr. Amoral was a trustworthy and honest businessman. He has been a resident of Emerson for most of his life and his business would be an asset to the town.

Mike Myers of 38 Allison Way confirmed his previous statement commending Mr. O'Brien on finding a new and welcome business/tenant for the town.

Seeing no other hands, Mr. Goursky asked for a motion to close the floor, which was made by Mr. Kutzin and seconded by Mr. DeOrio. All were in favor.

Mr. Goursky then asked for a motion in regard to the application. Mr. Kutzin made a motion to accept the business application and allow the use variance. The motion was seconded by Mr. De Orio. Mr. Bresa, Mr. DeOrio, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Sudano voted to accept the application.

39-41 Chestnut St, Rich's Auto

Mr. Schwinder returned to the Chair. Mr. Tortora stepped down due to a conflict, and Gail Price took over as Conflict Attorney for the Board.

Mr. Jeff Mason, Attorney for Rich's Auto, approached the podium and submitted the proof of mailings and affidavits. Ms. Price confirmed they were the same as submitted by email and gave them to the Secretary for the file.

Mr. Mason called Don Cote of Langan Engineering to the table to present the case for the variance application. Ms. Price swore him in and asked Mr. Mason if he was going to verify his qualifications Mr. John C. Cote, PE, LEED AP at Langan Engineering, 300 Kimball Dr., Parsippany, NJ 07054 attended Stevens Inst., is licensed (20758) and Board qualified in many municipalities. Ms. Price asked if all licenses were current to which she received a yes reply.

Mr. Mason asked Mr. Cote to describe the property site, as shown on Exhibit A-1, the existing survey Mr. Cote replied the survey Exhibit VE-101 is the same as the original, which shows the existing 6,194 sq. bldg. and the driveway and parking, as well as positioning of the building to the Right of Way. Mr. Schwinder asked if this was a single story building. Mr. Cote replied yes. Mr. Schwinder then asked if there was a basement, the answer was no. I

Mr. Cote stated the property was adjacent to the Railroad to the West, and Rich's Auto had an additional business location across the street on the southerly side of Chestnut St., which was an auto body repair shop, in a location owned by a different landlord. Mr. Schwinder asked if the other property needed a variance, Mr. Cote replied not for this application. The businesses are currently located on existing non-conforming lots.

The application was to add parking - 6 spaces in front in a head in fashion and additional parking inside the fenced area, which would ease traffic on the 2-way Right of Way. Mr. Schwinder asked if the spaced were striped. The answer was no. Ms. Price wanted to know how many spaces would be used for this building Mr. Cote replied that mostly it would be customers from the body shop or the car rental applicants. Ms. Price wanted to know if he had personal knowledge, Mr. Cote replied only through the application.

Mr. Cote continued with Exhibit A-2 the front parking the circulation of the traffic in the storage lot and any staging from across the street. He stated that no set back variances are required as it is existing non-conforming as previously stated. He mentioned that at the previous meeting after the review by Mr. Ascolese and Ms. Bogart, it was suggested that a vacation of the dead end right of way might be in order.

He further stated that Exhibit A-3, dated January 20, 2017, is a conceptual drawing of the Site Plan with the Right of Way vacated 50 ft. on each side and the color rendition shows how vacating the right of way may lessen any log jam caused by parking and trucks, since it would then be private property

Exhibit A-4 is a black and white rendition of the color version, without the vacated section

Mr. Schwinder asked if the 15 off street parking spaces would actually be used by customers. Since most people will pull into the first available spot they see. He thought the rear spaces were not practical for customers, but would be used more for the storage of rental cars and cars that had been repaired and are awaiting pick up. Mr. Schwinder further stated that customers would be coming to talk to Rich and therefore, would park as close to the other building as possible.

Mr. Schwinder asked if there was parking in front of the building across the street. Mr. Cote replied yes, but not sure of the number.

Mr. Schwinder then asked about the vacating of the Right of Way. Mr. Mason replied the color drawing was a conceptual plan based on the recommendations of Mr. Ascolese and Ms. Bogart involving a possible vacating of the right of way.

Mr. Schwinder asked Ms. Bogart for comments. Ms. Bogart stated there is a question about public property being used by private business. How the circulation of traffic in the lot works, and how the trucks backing up and parking affect the area. She thought more land variances might reduce the circulation.

Ms. Price asked about the Report of March 7 (Marked Exhibit B2) and May 31st (Marked Exhibit B1), and the recommended ratio of parking to the square footage. Mr. Ascolese replied that the business description required 1 parking space for every 300 sq. ft. x 6,190 sq. would be 21 spaces required. If the rental were classified as a service rather than repair, then that portion would be 1 for every 400 sq. ft. reducing the required spaces by 3.

Ms. Price noted that the documents indicated there are more than one tenants. How is the square footage broken down, Mr. Cote replied 1,768 are office space, the balance of 4,422 would be for service to automobiles.

Mr. Ascolese referred to his letter of May regarding curbs and sidewalks, none are shown on the drawings, and if any of the three owners of the property were present to discuss the possible vacating of the Right of Way.

Mr. Cote replied no. Mr. Ascolese wanted to know if the property owners were agreeable to the right of way vacating. Mr. Cote replied that would be the next step, if the variance was permitted. A separate application would be submitted by the owners for recommendation to the Governing Body.

Ms. Bogart asked how the circulation on site would work without vacating the right of way. Mr. Cote replied the customer would park in front on the south side of 39 -41 Chestnut St. go into either the office in that building or across the street. Ms. Bogart stated that in order for the Board to act on this application the deficiency in parking would have to be addressed.

Ms. Price wanted to know about the Title work, research, rights and/or interests along the Right of Way by NJ Transit. Mr. Mason that application is not dependent on the Right of Way being vacated. That can be addressed at a later date. We would like to proceed with the primary application of use variance, redirect parking and Mr. Rich Tuntigian will address operation, business hours. The nature of the business does not call for the same parking requirements as retail.

Ms. Price wanted to know about the plans without vacating Right of Way, and about the 3 rows of parking as shown on the plans. Would the parking spaces be restriped?

Mr. Schwinder wanted to know if the right of way were vacated and no longer the Borough's property, the property owners would be responsible for the taxes, not the tenant. And how would Right of Way be divided.

Ms. Bogart replied the Right of Way would be divided evenly to the property on both sides of the street,

Mr. Schwinder wanted to know who would be responsible. Ms. Bogart replied the accepting property owners.

Mr. Schwinder suggested the vacating be a separate application at a later date and proceed with the variances required for this business.

Mr. Bogart replied the vacating issue came up due to excess parking in the street.

Mr. Schwinder asked about the business procedure, how customers start the process and how it progresses.

Mr. Mason said he would like the business owner, Rich Tuntigian to respond to this question.

Mr. Tuntigian stated he had a body shop business, with towing. His customers would park, come into the office and a work order would be processed. Many times the customer would come in two cars as a ride home or to work would be necessary, or the rental car company would come with two cars, leave one for the customer and two drivers return to the car rental office in the other car. By having a car rental business on site, it would eliminate those extra cars, and the street parking issue. He stated that all cars are parked off the street at night in a fenced yard.

Mr. Goursky asked if the locations Mr. Tuntigian leased were owned by one landowner or multiple. Mr. Tuntigian replied there were 2 landlords. Mr. Mason asked Mr. Tuntigian about previous leases of the building. Rich replied that previously there had been a turbo wash business, box makers, auto repair, bakery and the owner of 15 McDonalds, who kept supplies on site there.

Mr. Schwinder asked if the 15 additional spaces behind the building would be used by customers, Rich replied probably not, as they would park on the street and cars would "valet" parked in the lot.

Mr. Schwinder asked if the back parking would also be for the rental cars and what about the tow trucks where do they park.

Rich replied the trucks park along the railroad tracks, as they have to be available 24 hrs. a day. On snow days, Rich said he trucks plow the right of way as well as his own lots.

Mr. Ascolese suggested that due to zoning codes, a resolution should include specifics, such as businesses and percentage of building each uses, parking spaces and their purpose.

Mr. Schwinder said the vacating of the Right of Way should be eliminated and addressed at a later time.

Mr. Goursky agreed and noted that the right of way has been a traffic problem; all cars should be parked behind gates.

Rich replied that his four towtrucks are parked on the street from 6 pm to 6 am, as he needs 24 hours access to them.

Mr. Schwinder wanted to know from the Planner and Engineer, if the responsibility for plowing the Right of Way from Railroad to Bland should be the responsibility of Rich's Auto and if this should be included in the resolution.

Ms. Price wanted to know if the applicant agreed. She stated the parking and code deviations needed to be addressed.

Mr. Cote replied the original plan signed and sealed was for business use variance.

Mr. Ascolese stated the sealed application doesn't reflect operations on CS 101. Mr. Cote replied CP01 is without vacating. Parking requirements would be 1 for 200 sq. ft. for rental and 1 for 400 sq. ft. for repair.

Ms. Bogart replied that the CP and CS drawing were different. Mr. Cote replied that the plan had been modified for the 6 parking spaces along the front.

Mr. Price stated that in total there were 18 parking spaces, 3 fronts and 15 sides, requesting a parking variance of 2 short.

Mr. Schwinder asked if a decision could be made on this matter tonight or should it be extended to the next meeting.

Mr. Kutzin stated that the tax liability regarding the vacating of right of way was tabled, and if the resolution were to include striping on the right of way, and he wanted to be sure there was ample clearance for fire trucks. Mr. Cote replied that fire departments have procedures in place for trucks on right of way. And since the property is bound on 3 sides, the emergency vehicles would not trap themselves into such a position.

Mr. Ascolese stated C SI.01 site plan color version has parking on street. Mr. Cote said to ignore that plan as it involved the vacating of right of way. There are three spaces on the street and 15 off street.

Mr. Schwinder wanted to know if the matter should be continued instead of hearing it piecemeal. Mr. Ascolese said he had questions which needed answers. Mr. Mason asked if it were in regard to spaces and the configuration.

Mr. Ascolese said he has issues with the variance, lack of sidewalk, the loading zone and width of the driveway. He needs to have these issued documented on the drawing and variance.

Mr. Schwinder said the Board depends on the knowledge of the Board Professionals and the Board Attorney. The Board needs its 'l's' dotted and 't's' crossed.

He asked Mr. Ascolese if the Board can vote on the application with the conditions as he stated. Mr. Ascolese stated yes with the provisions

- 3 front 15 back parking spaces, Variance 18 instead of 20 spaces

- Variance size of parking space from 20x10 to 18x9

- Side yard variance

- Rear yard variance

- Front yard variance

- Building coverage

- Driveway width 2 way traffic

- Loading spaces

- Minimum distance ground floor to front

- Width and height of sidewalk

Mr. Ascolese asked Mr. Cote to email the revisions. Ms. Bogart stated the spaces in the back are not actual parking spaces but tandem for use by the repair company and car rental.

Mr. Cote stated that they would be using a "valet" style parking and that customers would not have access to that area. Ms. Price asked if this was not "actual" parking and Ms. Bogart replied to review the plans.

Mr. Ascolese suggested it be labelled as "storage parking" to eliminate any confusion. Ms. Price asked if this should be limited to this application and not for future use.

Mr. Schwinder stated the Resolution should indicate storage type parking, operating solely by the owners and employees on a valet basis. Variance approval would only be good for this use and this owner. Any succeeding use/owner would have to apply to the Board.

Mr. Schwinder asked if there were any other matters. Mr. Ascolese said he needed an up to date listing. Mr. Cote asked about the storage elements and striping. Mr. Ascolese replied west and back of building.

Mr. Schwinder asked Mr. Mason to continue. Mr. Mason introduced Keith Ottes of Langan Engineering, whose qualifications were reviewed, Bachelor of Engineering, Rutgers, Master of Engineering Villa Nova, professional Engineer in New Jersey and Professional Planner, New Jersey. Mr. Ottes stated that Ms. Bogart has expressed concern as to past and present use. and the 'D' variance.

Mr. Schwinder asked Mr. Ottes to explain for the Board and spectators what a "D" variance is.

Mr. Ottes explained that in Land Use Law, a "D" variance refers to a use variance, height variance, whereas a 'C' variance applies to a Bulk variance or hardship.

Mr. Ottes explained the positive criteria for professional purposes. Provide users with appropriate locations for use rather than a "greenfield" or the aspects detrimental nor did not have any negative impact.

C' variances: As listed on the plans

Mr. Schwinder reminded the applicant we were approaching the 11 pm hour.

Mr. Kutzin noted that the why the differences on the zoning tables on CP01 and CS01. Mr. Ottes replied that the zoning table on CS01 is the correct one.

Mr. Ottes went on to describe the justification for variance 'C' request. The benefits outweigh the detriments, the current configuration does not allow for successful working operations, no impairment to the area. Mr. Schwinder asked the Board if there were any questions. Before the floor was opened, Ms. Bogart referred to the specifications regarding sidewalks, 290.B3.

Mr. Kutzin made a motion to open the floor to the public, second by Mr. Malone, seeing no hands Mr. Kutzin made a motion to close the floor, second by Mr. Malone. All were in favor.

Ms. Price asked Mr. Mason about the hours of operation. Mr. Tuntigian replied 7:30am to 6:00 pm with towing service 24/7.

Ms. Price asked how many employees on site. Mr. Tuntigian replied 5. Mr. Schwinder asked if that included the car rental staff. Mr. Tuntigian replied yes. Ms. Price asked about the Lease on the premises, Mr. Tuntigian replied he signed the lease four years ago.

Mr. Schwinder asked the Board if there were any further questions. Hearing none he asked for a motion. Mr. Kutzin made a motion to approve the application with the 11 (1 D, 10 C), contingent on approval of updated site plan and Zoning chart being approved by Board Engineer and Board Planner

The motion was second by Mr. Malone. Mr. Bresa, Mr. DeOrio, Mr. Goursky, Mr. Kutzin, Mr. Malone, Mr. Sudano and Chairman Schwinder all voted to accept the variance.

Mr. Schwinder asked Ms. Price to prepare the resolution.

Mr. Tortora was asked to return to the dais. Mr. Schwinder thanked Ms. Price for sitting in as Conflict Attorney.

Mr. Schwinder asked for a motion to open the floor to the public, which was made by Mr. Goursky, second by Mr. Kutzin. Seeing no hands, a motion to close the floor was offered by Mr. Kutzin, second by Mr. Malone, all were in favor.

Mr. Schwinder asked if there were any Board compliments, hearing none he asked for a motion to close the meeting, which was made by Mr. Goursky, second by Mr. Kutzin, all were in favor. The meeting was closed at 11:03 pm.

Respectfully submitted
Marie Shust
Interim Secretary