

**MINUTES OF THE OCTOBER 23, 2018 ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING**

The following are the Minutes of the October 23, 2018 Regular Meeting of the Zoning Board of Adjustment of the Borough of Pompton Lakes that was held in the Council Meeting room of the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey and was called to order at 8:00 P.M.

Mr. Russo read the Open Public Meeting Law Statement of Compliance and led participants in saluting the flag.

The following members were present: Mr. Frank Abate, Mr. Michael Coss, Mr. Willie Hunt, Ms. Cindy McNamara, Ms. Mary Curran, and Mr. Frank Russo.

Mr. Peter Roos, Ms. Maureen Bernstock and Mr. Adam Kent was excused.

Also present were Andrew Brewer, Board of Adjustment Attorney, Debra Lawler, Board of Adjustment Planner and Saarah Okuyan, Secretary.

**MINUTES:**

Regular Meeting Minutes dated September 25<sup>th</sup>, 2018. Motion moved by Mr. Hunt, seconded by Mr. Coss. **All eligible voted in favor.**

**CORRESPONDENCE: None.**

**APPLICATIONS:**

1. BOA 18-06  
Michael Hamway  
755 Ringwood Avenue

Peter McArthur steps forward, he represents Mr. Hamway who has 2 franchises of Snap on Tools. He as parked his two snap on tools trucks on his residence for over 30 years at 755 Ringwood Ave., Block 2900 Lot 8.01 located in R4 zone. He has received notice of violation in May, # 190-16M, for 10,000 pounds or having 2 axles in residential district. It is kind of hybrid not fit under variance. We'll treat this as a conditional use variance. I have James Watson a planner here. County road no planning graph necessary having structures containing 5 units and not an acre property is 20,000 square feet, proposing no changes or expansion or number of employees and business. I'll call Mr. Hamway. Was notice sufficient? Notice was sufficient. Not operating business solely for parking vehicles he is in violation of parking ordinance. Mr. Hamway meets all 190-17:3C other section he questions 19016M1 permitted conditional uses in R4 zone which is residential/professional offices. He does have small office in his residence for this business. Snap on Tools trucks are like a rolling showroom as opposed to a mobile home. Notice reads: Take notice Michael H will appear for use variance NJ 4055 7D except permitting parking commercial vehicles on residence. Seeking parking to answer

your question, only to parking yes he said Mr. Hamway sworn in. I've lived at 755 Ringwood for 45 years. I sell professional tools and equipment my territory is Newark and Port Elizabeth. My 2<sup>nd</sup> franchise is at Newark airport. How many employees? I have 2 me & my son. I will not increase the employees. I've parked my vehicles at this address since 1978. They are 18 foot vehicles single axle 18,000 lbs. No CDL needed. No zoning complaints before. Never abandoned vehicles there. I'm parking close to the house. Behind it is cul-de-sac Hill Court. In front is a county road. Is parking on side streets better solution for you? No. I have \$200,000. Worth of tools and equipment and need to be home for security reasons. There are alarms but not a solution. Are you aware of anywhere else you could put these vehicles in Pompton Lakes if not at your house? Not really. I've been fortunate I've parked home for many years. I go out in the morning and come back 6:00pm or 7:00pm except Thursdays & Fridays I can come home late 1 to 2:00am. Do your vehicles cause noise, vibrations, smoke, dust or anything environmental. He answered not really. Questions raised are there commercial plates? He stated yes. Are they diesel? He stated yes they have to be plugged in. He ran a cord on garage 10 to 20 feet. Behind him Hill Court which is residential not county road. He now has 2 vehicles which could go down to one because his son will be moving out, but right now it is 2 vehicles. The main question was where on the lot do you park the vehicles? The lot has a u shaped driveway and more space towards the back. He stated all the way up the driveway 140 feet and one of the vehicles you don't even see from the street. Question are there any fences between you & your neighbors? He stated yes, Are they visible from Ringwood Ave.? He stated yes you can see them. Are there any intentions to add another truck? He stated no. One time he did have 3 trucks about 10 years ago, but only lasted about 4 years. Do trucks have back up beeping & cameras? He stated yes. How close are the houses next to you? He said about 30 feet. But it is a pretty big lot close to an acre, neighbors also have pretty big properties. Most of the people know about the vehicles I have. Any other questions for Mr. Hamway come forward & be sworn. Yes I'm at 41 West Lenox Ave. neighbor on the corner. Concern with parking them on the street as well as parking them where they can't be seen. Mr. Hamway answered no. Would they would be visible in the back too? 11 – 12 feet tall, but there is not sufficient space for them. I can park them on the cul-de-sac but not on the property. Have you thought about expanding the garage? They don't fit in the garage. Stacked front to back how far do they reach the front house? They are 18 footers so 21 + 18 is approximately 40 feet total. The road to the garage is 100 feet. Any more public questions? Close public session. Call Mr. James Watson. Sworn in. I am land surveyor in NJ & NY my address is 328 Park Ave., Scotch Plains, NJ I work in Westfield, Cranford, Union, Carteret as well as Warren Township. I am professional planner for 30 years. I was accepted as expert witness 800 times. Special reasons for zoning and master plan examination 97 by 200 parcel in residential zone & residential usage, frontage on county road with cul-de-sac behind it. Encourage municipal action. Promote public health & Safety. Shoulder not enough room for moving parking off street safety concerns. Are they favorable to pedestrians? Bikes etc. 40 Foot driveway U shaped 4 – 5 car parking, can have 8 – 10 cars on site. Proposing 2 commercial vehicles up against garage. He needs to protect his inventory, with off street parking. Off street parking for mobile homes for same or bigger size. Setback requirements are met. If he has to park them off site he needs to drive to and from with a car which adds trips and conflict. Is there adequate air light? Yes his House is set back 70 plus feet, from Ringwood as seen in packet. Negatives are commercial vehicle in someone's driveway, there are trees and

plants and a nice neighborhood. Keep residential character in tact is our goal. He has had no complaints in 40 years. You can place conditions on it, have sufficient reasons for granting parking variance. He does not entertain clients there, just has small office. Concern is it would be for the property which means others would be allowed such vehicles, can it be made conditional? As for mobile homes they are 18 – 20 feet 18,000 pounds. His is 18,000 pounds with tools. What about noise coming in and beeping at 2:00am times? He said it is not common but people work all kind of hours in their jobs. Does he pull in strait at those late times or back in? He said he pulls in strait to be quieter. Ms. Lawler said she did a drive by and saw the vehicles parked in the middle of the day and at 7:00pm saw vehicles there. He said his son was sick & he did not go out. She asked about screening or a gate to cover vehicles. Over all truck noise this truck does not make a lot of noise. What about being hooked up to generator? He said no noise. Any light that is extra to bother neighbors? He said no.

Closing? Any members of public have any comments? No. Close public session. 6 members available here. Need to confer with client 2 – 3 minute break. Mr. Chairman conferred with client, want to proceed board members any deliberation? No. Site is large, deep, a lot of existing driveway on fairly well traveled road. Immediate neighbors no interest this evening. Anybody make a motion? I'll make motion that proves strictly parking commercial vehicles on this lot with conditions, no more than 2 vehicles at one time, no closer to Ringwood. Must be same body type no hydraulic lifts, must be box truck, no dumpsters, compressors, honey dippers, tractor type anybody 2<sup>nd</sup>? Could just say Snap on Truck and limit it to that? Concern about the next usage that approval runs with the land. But it's been 30 years. Can we limit it to single axle truck? Yes that is already in the ordinance. Restricting other types of trucks. Concerns about next owners of the property. Yes neighbors have been good, can make any reasonable conditions? Ordinance does not regulate hours. Mr. Brewer is the application at risk right now? Mr. Brewer said if they conform to all conditions probably not. Motion with conditions. Second it. Roll call; Mr. Abate No, Mr. Coss Yes, Mr. Hunt No, Ms. MacNamara No, Mr. Russo Yes, Ms. Curran Yes, got 3 did fail – Denied. (Needed 5 only got 3). Resolution. Has everyone seen 18-03 Pompton Lakes Senior Housing any in favor allowed to vote-ok read it? No comments. Mr. Kent open space is there open space meeting? Open space canceled. New business. Check for terms where are we on terms we do need another alternate. Open to public anything to discuss on agenda? Mike Serra off street parking ordinances, safety concerns with head on parking. Cul-de-sacs concerns, not just senior housing OEM looking into it. Two different options, merging lots & changing zone, longtime conforming uses of substantial size to be conditional use or permitted use by adjusting zone line – that's a possibility. Re-doing zoning ordinance. That project goes to planning board instead of zoning board. Motion to adjourn Mr. Hunt yes, Ms. McNamara 2<sup>nd</sup> in favor. All favor.

**Roll Call: Mr. Abate Yes, Mr. Coss Yes, Mr. Hunt Yes, Ms. McNamara Yes, Mr. Russo No, Ms. Curran Present.  
4/6 did not carry.**

**RESOLUTIONS:**

1. BOA 18-03  
P.L. Senior Housing  
74 Hunter Place

**Roll Call: Mr. Abate Yes, Mr. Coss Yes, Mr. Hunt Yes, Ms. McNamara Yes, Mr. Russo No, Ms. Curran Present.  
4/6 did not carry.**

**NEW/UNFINISHED BUSINESS:**

1. Open Space.

**PUBLIC DISCUSSION:**

Opened to the public to bring up anything not talked about during the meeting. Being that there is none the public discussion is closed.

**ADJOURNMENT:**

Motion moved by Mr. Hunt for the adjournment of this meeting at **10:30pm**. **All voted in favor.**

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Saarah Okuyan