

ZBA MEETING – FEBRUARY 23, 2012

(Time Noted – 7:33 PM)

GDP AMODEO PARTNERS, LLC

UNION AVE (RTE 300) & ORR AVE, NBGH
(96-1-6, 7, 8, 9, 11.1, 95-1-37.2, 36) IB ZONE

Applicant is seeking area variances for varying fronts and side yards setbacks, the lot surface coverage and the total signage to build a commercial (retail) and restaurant (existing) space.

Chairperson Cardone: Okay, our next applicant GDP Amodeo.

Ms. Gennarelli: This applicant sent out twenty-one registered letters, eighteen were returned. All the mailings and publications are in order.

Mr. Wolinsky: Good evening Madam Chairperson, Members of the Board, Larry Wolinsky here for Shoppes at Union Square. The purpose of our being before you this evening is to a...seek re-approval and reinstatement of variances that were received on November 24, 2009 with regard to this project. Those variances a...were extended on a...May 21, 2010 which was our one extension that we were entitled to and then lapsed effective on a...11-24-2010. A...as you recall the variances a...here were necessitated, virtually all necessitated by the fact of a...there being a...the need a...to...a...for individual sites within the shopping center to be ...a...owned separately which is a situation we often encounter in shopping center developments and thereby it often necessitates the a...need for variances. So we're seeking to do an integrated shopping center a...and a...with some of the areas particularly the Cosimo's parcel owned a...separately a...which is created the need for variances. Now just to refresh...refresh your recollection I'll take you through the a variances that were previously granted and we are looking to be a...have reinstated. The first one is a a... is on, I call it, Route 300 a... 60 feet a...is required, 55.7 feet is provided, that is a...an existing situation, it's been along there, in fact, the...the decisions that were previously issued a...essentially just confirmed this as a...a previous variance granted and a that relates to the Cosimo's parcel. Similarly a second variance related to that parcel, what are referred to as the Orr Avenue variance is a... a...60...a...feet down to 36.5 foot variance recall we treated the, because this is essentially a corner we treated both sides as a front yard a and therefore it was a 60 foot setback. The third variance shown on that particular a...plan is what we referred to as the Vitamin Shoppe variance a...that is essentially a...a zero lot line variance but again it's...it's incorporated within the entire a...shopping center and it doesn't feel, function or appear in...in reality to be a zero lot line variance but for the financing aspects of it. The fourth a...variance I refer to as the supermarket out of Lowe's boundary variance that, I'll wait for Adrian to...

(Mr. Goddard approached the easel)

Ms. Gennarelli: You could just sit it on that little shelf that's on there.

Mr. Goddard: Oh, that's a good idea. That's good.

Ms. Gennarelli: Okay. There you go.

Mr. Goddard: Great, thank you.

Ms. Gennarelli: Okay.

Mr. Wolinsky: The fourth variance a...is the one designated as the 5 foot variance there again that is the a...supermarket building against the a...Lowe's site again the project is integrated, all the shopping centers are integrated at this location again this is a...a variance created by the necessity for essentially a...ownership. And then the a...fifth variance a...is the adjoining a...variance from the supermarket building to the adjoining lot on a...Orr Avenue, its of 40.3 foot provided with I believe, 50 feet required and a...but there's a much greater distance actually between it if you recall at the time between the house and the wooded lot it sits on a...than the actual a...a...supermarket boundary there. The sixth variance was a, if you could put the Vitamin Shoppe backup there Adrian, the a...lot surface a...coverage for the Cosimo's parcel. Code requires a 80% on that parcel, it will my go up to 89.8% a...again the overall shopping center site is far below the 80% coverage requirement but because this is a...retaining an ownership we technically need a variance for that and then finally there was a sign variance from 904 sq. ft. which was allowed to a 1333.5 sq. ft. which is required. Now we're not...we're not asking for any changes from what was previously a...granted, none whatsoever. These are the exact same variances that you folks previously a...granted. There are no changes to the site conditions. There have been no changes to the site plan and there have been no changes in the surrounding neighborhood. The Planning Board has authorized the phasing of the site plan so where it...when we were originally before you the project would have been built in a single phase it now can be built in three phases however the phasing of the project does not impact or effect whatsoever the need a...for any of the variance. Similarly there have been some consolidation of internal lots on this property that had been approved by the Planning Board since we've been a...before you and again those lots are all internal and they're not a...a...affected at all...a...the variances would not be affected by the lot consolidation. The Board, I've re-reviewed the Board's a written decision on this matter and quite frankly could just issue, the Board if it wanted to, noting the lapse and the reapplication it would be appropriate to just simply reissue this decision a...with a new date. Everything that is recited in this a...decision including the rationale for your grant of the previous variances a...a...it remains the same and a...is in place so unless there are any questions a...that so we have to...to say.

Mr. Manley: Mr. Wolinsky, I just have one and that relates to the...the property that was up in the...the back a...the lady that lives at that property was the only person that was really affected by the variances...

Mr. Wolinsky: Right.

Mr. Manley: ...a...she was the only one that came to the Public Hearing I don't know she's here tonight however, she did express some concerns with the proximity of the rear

of the ShopRite and there were some I think things that a...Mr. Goddard indicated that he was going to do to help minimize the impact on her property. I was wondering if that was still something that a...was going to be done and if... and if there have been meetings with her since then and what has been the a...the outcome of that?

Mr. Goddard: It's been a couple years since...since we were in front of you before and immediately after that...

Ms. Gennarelli: Can you hold that up a little, I'm sorry could you hold that up a little?

Mr. Goddard: Sure. During that process we a...we actually did get involved in cleaning a...the stream to try to improve the drainage little bit. The rest of the stuff we were going to do we...we will still do but obviously construction hasn't started yet so, you know the...the...the a...we have every intention of collaborating with her as we did before.

Mr. Manley: What is the estimated time of application for Clearing and Grading and Building Permits before when that process starts?

Mr. Goddard: We're doing it in three phases, the first phase involves essentially extending the Cosimo's building and creating the entrance on a...on Route 300 so clearing and grading of the rest of the site won't happen until we get to that phase. I...I don't know when that's going to be exactly. But a...it's the...the economy and the circumstances have forced us to do this in three pieces instead of one.

Mr. McKelvey: ShopRite is not still going to be there, are they?

Mr. Wolinsky: Well that's we...we just don't...

Mr. Goddard: We don't know what they're doing.

Mr. Wolinsky: Yeah we don't know really the answer to that. It's yes, it's on, it's off, it's on, it's off, you know, so.

Mr. McKelvey: Yeah, there's rumors about the Marketplace to...

Mr. Wolinsky: Correct.

Mr. Hughes: Anything about parking?

Mr. Wolinsky: Anything different about parking? No.

Mr. Hughes: So the same requests and descriptions that went on before with reciprocities?

Mr. Wolinsky: Correct, everything is absolutely the same...

Mr. Hughes: Exactly the same?

Mr. Wolinsky: ...exactly the same.

Mr. Hughes: Okay, I don't know if you've identified yourself Mr. Goddard for the record?

Mr. Goddard: I'm Adrian Goddard (inaudible).

Mr. Hughes: But back to what my colleague questioned you about, about Ms. Hall's property?

Mr. Goddard: Yes.

Mr. Hughes: You haven't done anything?

Mr. Goddard: We did actually clean up the stream and take some preliminary steps to...to...to improve that situation.

Mr. Hughes: I remember when that conversation took place and I believe your wife was here with you at that time...

Mr. Goddard: Okay.

Mr. Hughes: ...and Ms. Hall was very upset about getting that finished. You promised us he would take care of that right away.

Mr. Goddard: Which we did to the extent that we could at that time.

Mr. Hughes: In you're a...foresight and divine wisdom could you finish up the rest of what's around to what you're doing the first part of this?

Mr. Goddard: A...I'm not sure what else is necessary...

Mr. Hughes: I see.

Mr. Goddard: ...at the first part but...

Mr. Hughes: Okay.

Mr. Goddard: ...absolutely whatever is required prior to us actually doing the main construction back there (inaudible) to that.

Chairperson Cardone: Do we have any other questions from the Board? Do we have any questions or comments from the public?

Mr. McKelvey: I'll make a motion we close the Hearing.

Mr. Manley: Second.

Ms. Gennarelli: Grace, Grace...the Orange County report...

Chairperson Cardone: We have not received the report from the Orange County Department of Planning so we will not be able to make a decision on this this evening.

Mr. Wolinsky: When was that transmitted?

Chairperson Cardone: The 7th of February, I believe.

Mr. Wolinsky: Okay.

Ms. Gennarelli: Yes I tried to get it back, they were not ready. I was on the phone with them until five o'clock. They said it just wasn't ready.

Mr. Wolinsky: Okay. Okay.

Chairperson Cardone: Okay?

Mr. Wolinsky: Okay, thank you.

Ms. Gennarelli: Do you want the vote now to close it or...what you wanted to?

Chairperson Cardone: Well we could always reopen if we hear anything...

Mr. Donovan: Well you couldn't reopen to, no.

Chairperson Cardone: No.

Mr. Donovan: You know I leave it up to the Board's discretion you generally hold the Public Hearing if you have some input from the public that's going to assist you in your decision-making.

Chairperson Cardone: Right.

Mr. Hughes: I'd really like to see what the County has to say about that there were some really critical issues.

Mr. Donovan: Well you have to but at least that's...

Chairperson Cardone: We have to...we have to hear what with the County has to say...

Mr. Wolinsky: The last time the County did not respond.

Mr. Donovan: They did not respond, they actually did respond but not in a timely fashion.

Mr. Wolinsky: Oh not in a timely fashion, oh okay.

Mr. McKelvey: I'll rescind my motion to close. I'll make a motion we hold it open then.

Ms. Drake: Second.

Mr. Donovan: That would be to the March meeting?

Mr. McKelvey: Till the March meeting March meeting.

Ms. Gennarelli: March 22. Okay, roll call.

John McKelvey: Yes

Brenda Drake: Yes

Ronald Hughes: Yes

Michael Maher: Yes

James Manley: Yes

Grace Cardone: Yes

Chairperson Cardone: Thank you.

PRESENT ARE:

GRACE CARDONE
JOHN MC KELVEY
BRENDA DRAKE
RONALD HUGHES
MICHAEL MAHER
JAMES MANLEY

ABSENT:

RUTH EATON

ALSO PRESENT:

DAVID A. DONOVAN, ESQ.
BETTY GENNARELLI, ZBA SECRETARY
GERALD CANFIELD, CODE COMPLIANCE
(Time Noted – 7:46 PM)