



Property Owner: Iljun Kim & Seung Eun Kim  
Applicant: The Best Korean Food, Inc. d/b/a/Bapcha  
148 Main Street  
Block 19, Lot 16

2010-12-1-P-24

Informal Site Plan Application: The building is currently occupied as a Korean Food Convenience Store. The same use is intended.

Property Owner: Ravennati, Louis  
76 Prospect Ave  
Block 99.01, Lot 6

2010-12-2-Z-25

Zoning Application: The use of a one family is not proposed to be changed. Alterations to existing fire damaged residence are proposed which include the covering of a rear porch to living space which necessitates the bulk "c" variance that is requested.

**MOTIONS FOR ADJOURNMENTS OF ANY SCHEDULED CASES & ANY OTHER MOTIONS:**

**UNFINISHED OR ADJOURNED HEARINGS OF APPLICANTS:**

**NOMINATION OF CHAIRMAN:**

**NOMINATION OF VICE-CHAIRMAN:**

**NOMINATION OF SECRETARY:**

**APPOINTMENT OF ATTORNEY:**

**NOMINATION OF CLERK:**

**SELECTION OF NEWSPAPERS:** The Record & Star Ledger and the Press Journal.

**SELECTION OF PUBLIC MEETINGS, WORKSHOP MEETINGS AND INSPECTION DATES:**

**ACTION ON ANY OTHER BUSINESS:**

**CORRESPONDENCE:**

Date: December 2010; January 2001. From: New Jersey Planner. Vol. 71, No. 6.

Date: December 2010. From: PSE & G. Re: Notice to Municipal & County Officials.

Date: December 6, 2010. From: Peter Denger. Request for Extension of Time.  
2008-3-5-Z-9.

Date: December 10, 2010. From: Job & Job Engineering. Re: McDonalds Corp. 319 Route 46 East.

Date: December 13, 2010. Memo sent to Fire Prevention. Re: Fire lanes for used car dealership.

Date: December 13, 2010. From: Job & Job Engineering. Re: Segovia Steakhouse. 217 Main St.

Date: December 14, 2010. From: NJMC. Re: Markopoulos/31 & 33 Lincoln St. Subdivision.

Date: December 17, 2010. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: December 17, 2010. From: Allyson M. Kasetta. Re: Royale Realty, LLC.

Date: December 22, 2010. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: December 28, 2010. From: Mr. John P. Wyciskala, Esq. Re: McDonald's Corporation.

Date: January 5, 2011. From Job & Job Engineering. Re: 85 Columbus Ave.

Date: January 12, 2011. From: Elizabeth McKenzie, Board Planner. Re: Memorandum; Royale Realty Remand Hearing.

Date: January 12, 2011. From: Elizabeth McKenzie, Board Planner. Re: Revised text of the Housing Element, Revised text of the Fair Share Plan, Revised Riverfront Development Inclusionary Overlay-A Zone Ordinance & Revised maps for the Overlay area.

Date: January 12, 2011. From: Mc Cann & McCann, Esq. Re: 85 Columbus Ave.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03  
Zoning Application: Expanded pavers around pool and walkway without permits.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24  
Planning Application: Remand Hearing.

Applicant: Mr. & Mrs. Pasqua  
28 Lamker Ct.  
Block 106.03, Lot 2  
Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.

2010-2-1-Z-1

Property Owner: McDonald's Corp. c/o Paul Contrell  
Applicant: McDonald's Corp.  
319 Route 46 E.  
Block 14, Lot 1  
Planning Application: Renovation to restaurant, site improvements to driveway & parking area.

2010-11-2-P-23

Property Owner: A.J.A. Capital, LLC.  
Applicant: Mustafa Ugurlu  
D/B/A Autoline, Inc.  
135 Route 46 E.  
Block 17, Lot 36  
Informal Site Plan Application: Sale of business only. Used car sales.

2010-12-3-P-26

Property Owner: Kenneth Scheeler  
Applicant: Under 70 Auto Sales, Inc.  
185 Route 46 East  
Block 18, Lot 39  
Informal Site Plan Application. Used car dealership to display 27 vehicle spaces; 2 employee spaces and 2 visitor spaces totaling 31 spaces.

2011-1-1-P-1

**ADJOURNMENT:**

**MINUTES  
RE-ORGANIZATION MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
JANUARY 19, 2011**

**MEETING START:**           7:30 P.M.

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

**This is a regularly scheduled Re-Organization meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.**

**ROLL CALL:**

**Members Present:**

Richard Bolan  
Steven Gerard  
Ronald Anzalone  
Anthony DiBlasio  
William Lenihan  
George Carrion  
Marty Loesner  
Alan Soojian  
James Avillo  
James Cirillo

**Members Absent:**

A.J. Joshi  
Joseph Olivelli

**Also Present:**

Attorney, Brian T. Giblin  
Clerk, Susan Gerber

**APPROVAL OF MINUTES:**       December 8, 2010. Vice-Chairman Cirillo entertained a motion to accept the minutes as written. Motion to accept the minutes was made by Mr. Soojian, second by Mr. Anzalone. All Ayes.

**APPROVAL OF DENIAL OF RESOLUTIONS:**

Property Owner: Markopoulos, Dimitrious.

2010-10-2-Z-21

Applicant: Markopoulos Developers, LLC.

33 Lincoln Street

Block 87, Lot 21

Zoning Application: Filed with the NJMC for a technical minor subdivision to subdivide the property into two lots. This application is for bulk variances with the proposed development of two, two family houses, each on its separate lot.

Vice-Chairman Cirillo entertained a motion to waive the reading of the resolution.

Motion to waive the reading was made by Mr. Soojian, second by Mr. Cirillo. Roll Call: Mr. Cirillo, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes.

**APPROVAL OF RESOLUTIONS:**

Property Owner: Danis Kemalettin

2009-10-1-Z-20

307 Main Street

Block 38, Lot 17

Zoning Application: Create a two-car driveway.

No Resolution prepared.

Property Owner: Iljun Kim & Seung Eun Kim

2010-12-1-P-24

Applicant: The Best Korean Food, Inc. d/b/a/Bapcha

148 Main Street

Block 19, Lot 16

Informal Site Plan Application: The building is currently occupied as a Korean Food Convenience Store. The same use is intended.

Vice-Chairman Cirillo entertained a motion to waive the reading of the resolution.

Motion to waive the reading was made by Mr. Gerard, second by Mr. Lenihan. Roll Call: Mr. Bolan, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Lenihan, yes-Mr. Carrion, yes.

Property Owner: Ravennati, Louis

2010-12-2-Z-25

76 Prospect Ave

Block 99.01, Lot 6

Zoning Application: The use of a one family is not proposed to change. Alterations to existing fire damaged residence are proposed which include the covering of a rear porch to living space which necessitates the bulk "c" variance that is requested.

Vice-Chairman Cirillo entertained a motion to waive the reading of the resolution.

Motion to waive the reading was made by Mr. Bolan, second by Mr. Soojian.

Roll Call: Mr. Bolan, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Mr. Carrion, yes.

**MOTIONS FOR ADJOURNMENTS OF ANY SCHEDULED CASES & ANY OTHER MOTIONS:** None.

**UNFINISHED OR ADJOURNED HEARINGS OF APPLICANTS:** None.

**NOMINATION OF CHAIRMAN:**

Clerk entertained a motion for nomination of Chairman. Mr. Soojian nominated Joseph Olivelli, second by Mr. Gerard. No other nominations. Roll Call: Mr. Bolan, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Anzalone, yes-Mr. DiBlasio, yes-Mr. Lenihan, Mr. Carrion, yes-Mr. Loesner, yes-Mr. Soojian, yes-Mr. Avillo, yes.

**NOMINATION OF VICE-CHAIRMAN:**

Clerk entertained a motion for nomination of Vice-Chairman. Mr. Lenihan nominated Mr. James Cirillo, second by Mr. Soojian. No other nominations. Roll Call: Mr. Bolan, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Anzalone, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Mr. Soojian, yes-Mr. Avillo, yes.

**NOMINATION OF SECRETARY:**

Clerk entertained a motion for nomination of Secretary. Mr. Cirillo nominated Mr. Alan Soojian, second by Mr. Gerard. No other nominations. Roll Call: Mr. Bolan, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Anzalone, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Mr. Soojian, yes-Mr. Avillo, yes.

**APPOINTMENT OF ATTORNEY:**

Clerk entertained a motion for nomination of Attorney. Mr. Soojian nominated Mr. Brian Giblin, second by Mr. Lenihan. No other nominations. Roll Call: Mr. Bolan, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Anzalone, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Mr. Soojian, yes-Mr. Avillo, yes.

**NOMINATION OF CLERK:**

Clerk entertained a motion for nomination of Board Clerk. Mr. Soojian nominated Ms. Susan Gerber, second by Mr. Cirillo. No other nominations. Roll Call: Mr. Bolan, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Anzalone, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Mr. Soojian, yes-Mr. Avillo, yes.

**SELECTION OF NEWSPAPERS:** The Record & Star Ledger and the Press Journal. Clerk entertained a motion to approve the selection of newspapers. Motion to approve was made by Mr. Cirillo, second by Mr. Lenihan, All Ayes.

**SELECTION OF PUBLIC MEETINGS, WORKSHOP MEETINGS AND INSPECTION DATES:**

Clerk entertained a motion to approve the selection of public meetings, workshop meetings and inspection dates. Motion to approve was made by Mr. Cirillo, second by Mr. Soojian, All Ayes.

**ACTION ON ANY OTHER BUSINESS:** None.

**CORRESPONDENCE:**

Date: December 2010; January 2001. From: New Jersey Planner. Vol. 71, No. 6.

Date: December 2010. From: PSE & G. Re: Notice to Municipal & County Officials.

Date: December 6, 2010. From: Peter Denger. Request for Extension of Time. 2008-3-5-Z-9. Mr. Frank Migliorino stated that his client is requesting an extension of time for his client Mr. Denger. The project has not started yet due to economics. Mr. Giblin stated he would look at the affirmative statute and it may already be approved by virtue of the statute.

Date: December 10, 2010. From: Job & Job Engineering. Re: McDonalds Corp. 319 Route 46 East.

Date: December 13, 2010. Memo sent to Fire Prevention. Re: Fire lanes for used car dealership.

Date: December 13, 2010. From: Job & Job Engineering. Re: Segovia Steakhouse. 217 Main St.

Date: December 14, 2010. From: NJMC. Re: Markopoulos/31 & 33 Lincoln St. Subdivision.

Date: December 17, 2010. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: December 17, 2010. From: Allyson M. Kasetta. Re: Royale Realty, LLC.

Date: December 22, 2010. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: December 28, 2010. From: Mr. John P. Wyciskala, Esq. Re: McDonald's Corporation.

Date: January 5, 2011. From Job & Job Engineering. Re: 85 Columbus Ave.

Date: January 12, 2011. From: Elizabeth McKenzie, Board Planner. Re: Memorandum; Royale Realty Remand Hearing.

Date: January 12, 2011. From: Elizabeth McKenzie, Board Planner. Re: Revised text of the Housing Element, Revised text of the Fair Share Plan, Revised Riverfront Development Inclusionary Overlay-A Zone Ordinance & Revised maps for the Overlay area.

Date: January 12, 2011. From: Mc Cann & McCann, Esq. Re: 85 Columbus Ave.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03

2009-12-3-Z-24

Zoning Application: Expanded pavers around pool and walkway without permits.

Mr. Cirillo and Mr. Lenihan are recused from the application.

Mr. Soojian sat in as Chairman. Mr. Hlavaty was sworn in. Represented by Edmund McCann, Esq. Mr. McCann stated that correspondence has been sent to the municipal engineer addressing some of the issues which he believes are a result of a hearing on July 14, 2010. They withdrew the application and agreed to turn the premises to the same condition that it should be as the permitted improvements have been completed. He has not been able to complete it and Mr. Job is looking for some site plan work that would be required had been they been proceeding with the application. They do not intend to proceed any further and wish to restore the premises to the condition that it was in when Mr. Hlavaty purchased the property. Mr. Giblin questioned the time that would be needed to complete the work. Mr. McCann stated that the weather is a factor and if they could put it off till April. Mr. Cirillo stated that he wanted to put it on the record that he sold the house to Mr. Hlavaty and there is a grate around the edge of the pool and it slopes an inch in some places and in others it slopes almost 3 feet. He stated that the email was wrong and there was a slope around the pool. Mr. McCann asked if the Borough had a topographic as a beginning point. Mr. Giblin stated that they would extend it till April and if Mr. Cirillo could find any documents or photographs and present them to the board and to Mr. Job. Vice-Chairman Soojian stated that it would be extended to April and any other documents from Mr. Cirillo. Motion was made by Mr. Bolan, second by Mr. DiBlasio, Roll Call: Mr. Bolan, yes-Mr. Gerard, yes-Mr. Anzalone, yes-Mr. DiBlasio, yes-Mr. Carrion, yes-Mr. Loesner, yes-Mr. Soojian, yes-Mr. Avillo, yes.

Applicant: Royale Realty  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24

2006-1-2-P-2 R (Remand)

Planning Application: Remand Hearing.

Paul Kaufman for the applicant. Ira Wiener for Donald Nuckel. Robert Costa, Engineer & Planner for the applicant.

Mr. Kaufman stated that this application has been previously been approved by the board back in 2008. Gilbert Manor has filed a lawsuit and challenging the board's decision and in 2009 Judge Conti entered an order memorializing his written opinion of April 15, 2009 in which he found that the board's actions approving the application were not arbitrarily capricious and unreasonable but he remanded the application back to the board for two very specific purposes only. They are the determination of the front yard parking variance; and with the respect to the impact of the impervious coverage variance. Gilbert Manors property with respect to water drainage and flooding specifically whether the impervious coverage variance which was granted would cause substantial detriment to the public good. He sent them back on the negative criteria and not the positive. Judge

Conti's order was given to the board members. Mr. Weiner stated there the only 3 members who voted on this application were Mr. Anzalone, Mr. Soojian and Mr. Cirillo. Mr. Giblin stated that he suggests that the board not take a vote tonight and for the other members read the transcripts and or listen to the tapes. Mr. Kaufman agreed. Mr. Costa was sworn in and accepted by the board as an engineer and planner. Mr. Costa stated that the plans show the outline of the boundary of the property, the proposal of two 2 ½ story apartment buildings 24 units in total. The parking configuration between the two proposed buildings, landscaping around the perimeter of the site, ingress & egress from Main Street, 2 would be affordable housing, 48 parking spaces, the use is permitted, hammerhead turn around, parking in front of the building would need a variance, recreation space to the rear of the property, this is a C variance, C1 & C2, positive criteria, screened wall, landscaping in front and behind the screened wall. The wall is a positive criteria. This is the best design layout. The adjacent property owner has similar parking. The negative criteria is on the impervious coverage which specifically the impact on the drainage. Legette was the board's expert for the ground water on the subject property. Mr. Costa started to read the Legette report, Mr. Weiner disapproved that Mr. Costa was not qualified to conclude on this report. Mr. Kaufman, Mr. Costa and Mr. Mr. Weiner agreed to stop now and ask the hydrologist to testify at the next meeting scheduled for February 16, 2011.

Applicant: Mr. & Mrs. Pasqua  
28 Lamker Ct.

2010-2-1-Z-1

Block 106.03, Lot 2

Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.

Due to the death of Mrs. Pasqua's husband they are asking the board for an adjournment till further notice.

Property Owner: McDonald's Corp. c/o Paul Contrell  
Applicant: McDonald's Corp.  
319 Route 46 E.  
Block 14, Lot 1

2010-11-2-P-23

Planning Application: Renovation to restaurant, site improvements to driveway & parking area.

John Wyciskala attorney on behalf of McDonald's Corp. This existing restaurant was approved by this board and South Hackensack Planning Board in 1999. The location has been recently renovated. They are proposing changes to the parking lot, and circulation with the drive-thru. The changes are for the improving of the circulation and efficiency of the overall business. They did appear before the South Hackensack board in December and are awaiting the resolution. South Hackensack wanted to see more landscaping. Mr. Keith Cahill from Bohler Engineering was sworn in and accepted. He discussed the site plans, aerial exhibit, the site is half in Little Ferry and half in South Hackensack, gave acres of site for each town, easement, surrounding uses in the area, located in the BH Zone, they modified some signage, interior seating, modification to the drive-thru lane, they found over time that there is a greater need for the drive-thru, they reduced the seating for the interior, cueing, message board, the modification will help the efficiency,

of the operation, proposing a tandem drive-thru, it would be a significant improvement to the business operations, reduction of parking stalls, the overall circulation of the site will remain exactly the same, the main isle would be an entrance only, the same circulation except for the circulation of the cueing area, there is a longer drive to get to the lane for ordering, it does not increase the impervious coverage, the building will remain the same, they will enhance the ADA stalls that are in front of the site, they will enhance some of the aesthetics, they will patch and repairing the sealed coating of the parking lot. There are minor flood area modifications to drainage and one inlet will be installed and it will stay in the same direction and they are reducing the storm water runoff from the site. There was discussion on the ingress and egress from Route 46. Discussion on the dumpster and the drive thru lane. Discussion on how the delivery trailers will exit. They are not proposing any modifications to the location of the stalls or the main curbing around the site; the only curbing would be right along the drive thru. Discussion on handicap parking. Discussion on how many vehicles stack during peak times. Discussion on communication for the new menu boards. They are not proposing to change any lighting on the site. They need to fix or replace the exit sign going out to Main Street. There are painted symbols for the drive thru. Discussion on the request to maintain the landscaping. They are going to be providing a landscape plan to South Hackensack and will provide one to Little Ferry as well. The board would like a copy of the landscape plan to go to our board landscape engineer. Mr. Bolan found that at another McDonalds the cueing system worked very well and the building here looks beautiful. Mr. Avillo like the idea of the cueing system. There was concern for the children and to put up a Do Not Enter Sign. McDonalds felt there was no concern for the traffic pattern off of Main Street. They felt that they could add additional striping and signage. Mr. Cirillo asked for a speed bump. Mr. Cahill stated they stay away from speed bumps because of tripping hazard and plowing. The drainage in the front will be reset. Vice-Chairman Cirillo opened questions to the general public. No one approached, closed to the public. Mr. Wyciskala asked for approval and have the landscaping plans submitted at the later meeting. Mr. Giblin stated that the board would vote on directing him to prepare the resolution of approval and they are not making the decision this evening but it would be based upon the plans that they provide to the board for the next meeting. Vice-Chairman Cirillo entertained a motion to accept Mr. Giblin to prepare the approved resolution and a copy of the survey for February's meeting under the condition that they forward a set of landscape plans to the board for further review. They will also comply with Mr. Job's recommendations in his December 10, 2010 report other than the lighting plan. Motion to approve Mr. Giblin to prepare the approved resolution was made by Mr. Lenihan, second by Mr. Bolan. Roll Call: Mr. Bolan, yes-Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Vice-Chairman Cirillo, yes.

Property Owner: A.J.A. Capital, LLC.

2010-12-3-P-26

Applicant: Mustafa Ugurlu

D/B/A Autoline, Inc.

135 Route 46 E.

Block 17, Lot 36

Informal Site Plan Application: Sale of business only. Used car sales.

No Show.

Property Owner: Kenneth Scheeler

2011-1-1-P-1

Applicant: Under 70 Auto Sales, Inc.

185 Route 46 East

Block 18, Lot 39

Informal Site Plan Application. Used car dealership to display 27 vehicle spaces; 2 employee spaces and 2 visitor spaces totaling 31 spaces.

Mr. Kevork Adanas attorney for the applicant. In 2009 the applicant applied for a site plan which included a 14 vehicle layout. They are here to seek an amendment to that site plan to include 27 vehicle layouts. Mr. Kadir Okatan is the president of Under 70 Auto Sales, Inc. The amendment that he seeks does not require any physical changes to the layout as it is currently constituted. There are no physical changes to the building. The only change is the vehicles to the lot. Mr. Okatan requested 14 vehicles and he was approved for 14 vehicles due to the progress of the business and the economy he is now requesting of 27 vehicles. Mr. Bolan stated that Mr. Scheeler came back to the board for the same thing and was denied. Mr. Adanas stated that was correct. Mr. Bolan stated that the applicant is currently not in compliance with his resolution and he has been in violation of his license, in violation of his resolution, and he has no confidence in any resolution this board provides him that is going to be followed since he makes it up as he goes. Mr. Bolan has issued summons to Mr. Okatan for being in violation and he is attempting to have his license revoked. As a violation of a condition to his Certificate of Occupancy that being the previous resolution of 14 vehicles Mr. Bolan believes that violates his CO and that as a Building Official he could close the business. Mr. Adanas stated that is what they are trying to avoid. Mr. Cirillo stated that he would have like to have the applicant follow the resolution and his client has disrespected the board. Mr. Bolan stated that he abandoned his previous non-conforming status with the number of vehicles with the new application. Mr. Giblin stated that the application has to be substantially different, it doesn't matter who the property owner was, it doesn't matter who the applicant was, and you can't come in with the same applications. Mr. Anzalone stated that the board tried to make a compromise with the previous applicant and he didn't want to compromise. Mr. Giblin stated if it were 34 in fact he would certainly accept the representation that it was 34, but the board has an initial determination has to vote on it whether or not this is different going from 34 cars down to 31. Mr. Bolan would like to see the previous application. Vice-Chairman Cirillo stated that they would like to see the original application and he would like to see a diagram on how Mr. Okatan would like lay out the cars. Vice-Chairman Cirillo questioned the two parking spots inside the garage. Mr. Anzalone stated that his next fire inspection is 12 feet from Brandt Street to the front of the garage. Mr. Cirillo stated if we increase it will he follow what they ask because he has not followed anything yet. Mr. Adanas stated that he is

losing his livelihood. Vice-Chairman Cirillo stated to wait until we get a copy of the first resolution and hold off till the February 16, 2011 meeting and if there is anything else and get it to the board. Mr. Bolan and Mr. Anzalone requested to have the fire lane included and come up with a diagram that is reasonable. Mr. Adanas stated he would. Mr. Anzalone stated to have Mr. Holley from Fire Prevention go over and look at it and give his specifications. Vice-Chairman Cirillo questioned the board for any other questions and to carry the application to the February 16<sup>th</sup> meeting.

Vice-Chairman Cirillo stated to keep Mr. Olivelli in their prayers as he has not been feeling well lately.

Mr. Carrion stated he has discussed this problem with the car lots before and would like to get a copy of the diagram before the application or approved by somebody? Mr. Giblin stated that all of the applications go to the Board Clerk before they go on the agenda and she would get it and review it. He would entrust that the clerk reviews the plans and they are specific enough for the board to review and act and if they don't have the numbers between the cars and exact number of cars then the clerk could declare it to be incomplete. Someone should check the applications to make sure it is done for completeness. Mr. Bolan stated that the plans should be to scale. Mr. Giblin stated that it should be put on a check list and to get the governing body to come up with a check list. Mr. Anzalone stated that there is nothing on paper to enforce the 3feet between cars. The other problem is that they lend out their license. Mr. Bolan stated that fire lanes trump everything. Mr. Anzalone stated that the car lots have formed a coalition amongst themselves. Mr. Bolan stated that he believes that the fire lane has to be striped and state fire lane on ground and building. Vice-Chairman Cirillo stated that the board could meet at 7:00 pm next month to discuss this a little further. Mr. Bolan stated to have the fire official look at the car lots. There are plenty of lots out there with stone lots. Mr. Avillo questioned the ordinance on car lots. Mr. Giblin stated that it doesn't matter who it is sold to it goes with the land can't extinguish that by saying you can't sell it outside your family. The board is only concerned on what is taking place on the property. Unless it is abandoned the law is very clear.

Mr. Giblin stated that he was fortunate enough to argue in the Supreme Court recently on one of our cases. It was on Webcast. They are still engaged on the law suit on the approval that this board gave out in 2003. This was on lot 11 which is the access road. It is now being heard in the highest court in the State of NJ.

**ADJOURNMENT:** 9:35 p.m.



**CORRESPONDENCE:**

Date: January, 2011. From: ANJEC. Re: 2011 Sustainable Land Use Planning Grants for Municipalities.

Date: January 28, 2011. From: Langan Engineering. Re: Application for Individual Flood Hazard Area Permit and Verification for Star Redevelopment, Block 108.06, Lot 2.01; IV Realty Corp., Industrial Ave.

Date: January 21, 2011. From: Frank Migliorino, Esq. Reminder to check the statute on the limit of time for the application of Mr. Peter Denger under application number 2008-3-5-Z-9

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03  
Zoning Application: Expanded pavers around pool and walkway without permits.  
This application will be carried to the April 13, 2011 meeting.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24  
Planning Application: Remand Hearing.

Applicant: Mr. & Mrs. Pasqua 2010-2-1-Z-1  
28 Lamker Ct.  
Block 106.03, Lot 2  
Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.  
Due to the death of Mrs. Pasqua's husband they are asking the board for an adjournment till further notice.

Property Owner: A.J.A. Capital, LLC. 2010-12-3-P-26  
Applicant: Mustafa Ugurlu  
D/B/A Autoline, Inc.  
135 Route 46 E.  
Block 17, Lot 36  
Informal Site Plan Application: Sale of business only. Used car sales.

Property Owner: Kenneth Scheeler  
Applicant: Under 70 Auto Sales, Inc.  
185 Route 46 East  
Block 18, Lot 39

2011-1-1-P-1

Informal Site Plan Application. Used car dealership to display 27 vehicle spaces; 2 employee spaces and 2 visitor spaces totaling 31 spaces

Property Owner: Aitken, Robert & Susan  
131 Lakeview Avenue  
Block 10, Lot 35

2011-2-1-Z-2

Zoning Application: Expansion of 2<sup>nd</sup> floor over existing garage and add rear deck to 1<sup>st</sup> floor.

Property Owner: Markopoulos Developers, LLC.  
31-33 Lincoln Street  
Block 97, Lot(s) 21.01 & 21.02

2011-2-2-Z-2

Zoning Application: Recently approved for the subdivision. Proposed development of a one family home on lot 21.01 and one two family home on lot 21.02.

**ADJOURNMENT:**

**MINUTES  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
FEBRUARY 16, 2011**

**MEETING START:**           7:35P.M.

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

**This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.**

**ROLL CALL:**

Members Present:                   Richard Bolan (8:10 pm)  
  Ronald Anzalone  
  AJ Joshi (7:40 pm)  
  Anthony DiBlasio  
  William Lenihan  
  George Carrion  
  Marty Loesner  
  Alan Soojian  
  Joseph Olivelli  
  James Avillo

Members Absent:                   James Cirillo  
  Steven Gerard

Also Present:                       Board Attorney, Brian T. Giblin  
  Board Clerk, Susan Gerber

**APPROVAL OF MINUTES:**       January 19, 2011. Chairman Olivelli entertained a motion to approve the minutes as written. Motion to approve the minutes was made by Mr. Soojian, second by Mr. Anzalone. All Ayes.

Chairman Olivelli stated that Mr. Giblin was going to go over the Zoning Map with the board members. Mr. Giblin stated that if you look at the map about in the middle towards the river it has a hatched area which appears to be what they are calling redevelopment area with a key. He knows for sure that this board has never approved a redevelopment area in town. It was requested at one point for the board to look into it and they did in about 2001 or 2002 and the board declined to declare any area an area in need of redevelopment. He suggested that the board want to adopt the map that they do so with the provisal that it does not include any redevelopment. Chairman Olivelli agreed. Mr. Giblin stated that it remain or go back to its prior zoning. He suggests that this is not consistent with the master plan.

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

Property Owner: Danis Kemalettin  
307 Main Street  
Block 38, Lot 17

2009-10-1-Z-20

Zoning Application: Create a two-car driveway.

Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading was made by Mr. Joshi, second by Mr. Soojian. Roll Call: Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes.

Property Owner: McDonald's Corp. c/o Paul Contrell  
Applicant: McDonald's Corp.  
319 Route 46 E.  
Block 14, Lot 1

2010-11-2-P-23

Planning Application: Renovation to restaurant, site improvements to driveway & parking area.

**CORRESPONDENCE:**

Date: January, 2011. From: ANJEC. Re: 2011 Sustainable Land Use Planning Grants for Municipalities.

Date: January 28, 2011. From: Langan Engineering. Re: Application for Individual Flood Hazard Area Permit and Verification for Star Redevelopment, Block 108.06, Lot 2.01; IV Realty Corp., Industrial Ave.

Date: January 21, 2011. From: Frank Migliorino, Esq. Reminder to check the statute on the limit of time for the application of Mr. Peter Denger under application number 2008-3-5-Z-9.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03  
Zoning Application: Expanded pavers around pool and walkway without permits.  
This application will be carried to the April 13, 2011 meeting.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24  
Planning Application: Remand Hearing.

Applicant: Mrs. Jody Pasqua 2010-2-1-Z-1  
28 Lamker Ct.  
Block 106.03, Lot 2  
Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.  
They are asking the board for an adjournment till further notice.  
Mr. Giblin stated that Mrs. Pasqua would need to renotece for the next meeting.

Property Owner: A.J.A. Capital, LLC. 2010-12-3-P-26  
Applicant: Mustafa Ugurlu  
D/B/A Autoline, Inc.  
135 Route 46 E.  
Block 17, Lot 36  
Informal Site Plan Application: Sale of business only. Used car sales.  
Mr. Mustafa Ugurlu was sworn in. He is a new business taking over the management. Chairman Olivelli questioned the space between the cars. Mr. Ugurlu stated 8' x 18'. Mr. Ugurlu stated close to 3 feet. He has 66 cars on the lot at this time. There was discussion on the width of the vehicles. Chairman Olivelli stated that he needs to have 3' between the cars, show the isle width, and fire lanes, He needs to adjust the layout. His plan has 61 cars but the application shows 66. Mr. Giblin stated that he needs to come in with a scaled drawing showing all the information. Mr. Bolan agreed with Mr. Giblin and for Mr. Ugurlu to bring testimony on the average width of a car and to bring in an accurate survey that provides realistic information. Mr. Carrion stated he is looking for something more uniform. Mr. Giblin stated to Mr. Ugurlu to come back with the correct information to the board. Chairman Olivelli stated that he must come back to the board with a scaled plan that accurately depicts what he wants to do. The next meeting is March 16, 2011.

Property Owner: Kenneth Scheeler  
Applicant: Under 70 Auto Sales, Inc.  
185 Route 46 East  
Block 18, Lot 39

2011-1-1-P-1

Informal Site Plan Application. Used car dealership to display 27 vehicle spaces; 2 employee spaces and 2 visitor spaces totaling 31 spaces

The attorney stated that he is hoping to get approval for 26 vehicles. Mr. Bolan questioned if he was currently in compliance with 14 vehicles. The applicant's attorney stated he didn't know. Chairman Olivelli stated that his client was approved for 14 vehicles and has not conformed to his resolution. The attorney stated that they are satisfied with 24 vehicles. Mr. Okatan was sworn in. Mr. Okatan was questioned why he had over 14 vehicles on the lot. He stated that he currently has 21 vehicles and some are destined for auction and he is trying to get rid of the rest. He was questioned on why he had asked for 14 vehicles. Mr. Okatan stated that it was a misunderstanding, he did not have legal counsel at the time and a friend helped him with the site plan. Mr. Bolan stated that since the last meeting Mr. Okatan has done nothing to get into compliance; and he has a court date coming up. Mr. Scheeler owns the property and he could take back the business. The board suggested that when the applicant is in compliance he is then to call Mr. Bolan for an inspection and he may then come back to the board on March 16, 2011. Chairman Olivelli opened questions to the general public. No one approached.

Property Owner: Aitken, Robert & Susan  
131 Lakeview Avenue  
Block 10, Lot 35

2011-2-1-Z-2

Zoning Application: Expansion of 2<sup>nd</sup> floor over existing garage and add rear deck to 1<sup>st</sup> floor.

Mr. Robert Aitken was sworn in. Mr. DiBlasio recused himself from this application. He recently acquired this property. It's a very small house. It's approximately 400 sq. ft. on the 1<sup>st</sup> floor, and 400 sq. ft on the 2<sup>nd</sup> floor. It's a two bedroom and one bath at this time. He would like to build over the garage and expand the 2<sup>nd</sup> floor. He is staying within the current footprint. He went over the variances that he may need. The ridge line will be 23 feet. No questions from the board members. Chairman Olivelli opened questions to the general public. No one approached. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve was made by Mr. Carrion, second by Mr. Joshi. Roll Call: Mr. Bolan, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Chairman Olivelli, yes.

Property Owner: Markopoulos Developers, LLC.

2011-2-2-Z-2

31-33 Lincoln Street

Block 97, Lot(s) 21.01 & 21.02

Zoning Application: Recently approved for the subdivision. Proposed development of a one family home on lot 21.01 and one two family home on lot 21.02.

The attorney for the applicant stated that this lot 21.01 has recently been subdivided from the NJMC. They are requesting to build a one family on this lot and a two family on lot 21.02. They are requesting 6 variance on lot 21.01 and 3 variances on lot 21.02.

Mr. David Juzmeski was sworn in and accepted by the board as the engineer for the applicant. Mr. Juzmeski discussed the engineering aspects with the revised plans showing a one family; landscaping, front yard setback, parking requirements, driveway, variances, height of structure, rear yard, coverage requirements, lot frontage, lot width, C2 variances, the structures are consistent with the neighborhood, all other structures will be removed, granting the variances would not be a detriment to the area, flood hazard area regulations, DEP, conservation, drainage plan, storm water runoff, engineering plans must be submitted to the Borough Engineer, The property values in the area would increase, it would be a benefit to the area, and it would not intentionally impair the intent and purpose of the zoning plan or zoning ordinance. Chairman Olivelli opened questions to the general public for this witness. Ms. Janet Giuliano of 32 Dietrich Street. She was concerned with the drainage running behind her house. She was concerned with the structures causing flooding in the area. Closed to the public. Mr. Cocoros was sworn in as the licensed architect. He discussed the floor plan for the one family dwelling. They are requesting variances for the dwelling. He discussed the curb cut, the new layout of the garage, laundry room. Chairman Olivelli opened questions to the general public for this witness. No one approached. Mr. Cocoros discussed the floor plan for the two family dwelling. They are requesting variances for this dwelling, the building itself complies, it is a side by side two family, it's two stories high, two car garage, floor plan layout, no basements are in these units, the unit on the left is a little larger, the right elevation stairs were questioned, and they need to show the pads for the a/c units on the plans, Chairman Olivelli opened questions to the general public for this witness for the two family dwelling. No one approached. Mr. Markopoulos was sworn in as the property owner for both lots, He plans on living in one of the units in the two family. Chairman Olivelli opened questions to the general public for this witness. No one approached. Closed to the public. Chairman Olivelli stated he would like to see only one laundry room per dwelling. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve was made by Mr. Lenihan, second by Mr. Loesner. Roll Call: One Family: Mr. Joshi, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, No-Mr. Loesner, yes-Chairman Olivelli, yes. Roll Call: Two Family: Mr. Joshi, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Chairman Olivelli, yes.

Mrs. Donna & Mr. David Cuesta: they are interested in purchasing a home at 15 John St. Their attorney Mr. Quirico was notified by the seller's attorney about the environmental contamination issue at the JS Popper property located at 200 Liberty Street. Chairman Olivelli stated that he received correspondence from the Borough engineer in regards to the possible contamination. He believes that they would need to do some testing, go to the DEP and it has not been officially been before this board to act on. The application has not come before this board. Mr. Giblin stated this board does not have any jurisdiction on this matter it would be through the DEP. They could call the Borough Engineer for more information.

Mr. George Stoft of 180 Main Street was curious on what was going on at the Ajax property. Mr. Bolan stated that he believes permits were taken out for a tank removal.

Mr. Avillo suggested having the Mayor and Council look into changing the size of the parking spaces for the car lots. Mr. Anzalone agreed.

Chairman Olivelli thanked the board members for all of their support and appointing him as Chairman.

Happy Birthday Joe!

**ADJOURNMENT:** 9:20 P.M.

**AGENDA  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
MARCH 16, 2011**

**MEETING START:**

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.

**ROLL CALL:**

**APPROVAL OF MINUTES:** February 16, 2011.

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

Property Owner: McDonald's Corp. c/o Paul Contrell 2010-11-2-P-23  
Applicant: McDonald's Corp.  
319 Route 46 E.  
Block 14, Lot 1  
Planning Application: Renovation to restaurant, site improvements to driveway & parking area.

Property Owner: Aitken, Robert & Susan 2011-2-1-Z-2  
131 Lakeview Avenue  
Block 10, Lot 35  
Zoning Application: Expansion of 2<sup>nd</sup> floor over existing garage and add rear deck to 1<sup>st</sup> floor.

Property Owner: Markopoulos Developers, LLC. 2011-2-2-Z-2  
31-33 Lincoln Street  
Block 97, Lot(s) 21.01 & 21.02  
Zoning Application: Recently approved for the subdivision. Proposed development of a one family home on lot 21.01 and one two family home on lot 21.02.

**CORRESPONDENCE:**

Date: February 28, 2011. From: Borough Clerk, Re: Resolution authorizing the granting of a drainage easement to Jody Pasqua, 28 Lamker Ct.

Date: February 24, 2011. From: Job & Job Engineering. Re: Report for Lincoln Street Subdivision/Site Plan.

Date: February 18, 2011. From: John Lamb, Re: Royale Realty.

Date: February, 28, 2011. From: Borough Clerk, Re: Resolution Authorizing Borough Engineer to Prepare Existing Conditions-Location/Topographical Survey, Taking Sketches & Civil Engineering Plans for Improvement/Signalization of Liberty/Redneck Intersection.

Date: February 28, 2011. From: Rutgers, Re: Continuing Studies, Planning & Zoning Administration Program.

Date: March 2, 2011. From: Rutgers, Re: Land Use for Board Members.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03  
Zoning Application: Expanded pavers around pool and walkway without permits.  
This application will be carried to the April 13, 2011 meeting.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24  
Planning Application: Remand Hearing.

Applicant: Mrs. Jody Pasqua 2010-2-1-Z-1  
28 Lamker Ct.  
Block 106.03, Lot 2  
Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.

Property Owner: A.J.A. Capital, LLC. 2010-12-3-P-26  
Applicant: Mustafa Ugurlu  
D/B/A Autoline, Inc.  
135 Route 46 E.  
Block 17, Lot 36  
Informal Site Plan Application: Sale of business only. Used car sales.

Property Owner: Kenneth Scheeler 2011-1-1-P-1  
Applicant: Under 70 Auto Sales, Inc.  
185 Route 46 East  
Block 18, Lot 39  
Informal Site Plan Application. Used car dealership.

Property Owner: Jetstar Realty 2011-3-1-P-3  
Applicant: June Powers  
209-211 Main Street  
Block 39, Lot 48.02  
Informal Site Plan Application. Food preparation & ship meals to clients.

Property Owner: TNS, LLC. 2011-3-2-P-4  
4 Bergen Turnpike  
Block 25, Lot(s) 7 & 8.01  
Informal Site Plan: Renovate Restaurant/Catering Hall and non-adjacent building

**ADJOURNMENT:**

**MINUTES  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
MARCH 16, 2011**

**MEETING START:**        7:35 PM.

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.

**ROLL CALL:**

**Members Present:**

Steven Gerard  
Ronald Anzalone  
Anthony DiBlasio  
William Lenihan  
Alan Soojian  
Chairman Joseph Olivelli  
James Avillo

**Members Absent:**

Richard Bolan (EA)  
James Cirillo  
AJ Joshi  
George Carrion (EA)  
Marty Loesner (EA)

**Also Present:**

Board Attorney, Brian T. Giblin  
Board Clerk, Susan Gerber

**APPROVAL OF MINUTES:**        February 16, 2011. Chairman Olivelli entertained a motion to accept the minutes as written. Motion to approve the minutes was made by Mr. Anzalone, second by Mr. Lenihan. All Ayes.

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

Property Owner: McDonald's Corp. c/o Paul Contrell 2010-11-2-P-23  
Applicant: McDonald's Corp.  
319 Route 46 E.  
Block 14, Lot 1

Planning Application: Renovation to restaurant, site improvements to driveway & parking area.

Chairman Olivelli stated he spoke with the Borough Engineer and McDonald's sent them a letter requesting an as built survey and the Borough Engineer gave McDonalds permission to do the as built so it did not hold up the renovations. Chairman Olivelli opened questions or objections to the board. No objections were stated.

Chairman Olivelli entertained a motion to waive the reading of the resolution along with the revision of the plans. Motion to waive the reading was made by Mr. DiBlasio, second by Mr. Gerard. Roll Call: Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes.

Property Owner: Aitken, Robert & Susan 2011-2-1-Z-2  
131 Lakeview Avenue  
Block 10, Lot 35

Zoning Application: Expansion of 2<sup>nd</sup> floor over existing garage and add rear deck to 1<sup>st</sup> floor.

Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading was made by Mr. Gerard, second by Mr. Soojian. Roll Call: Mr. Soojian, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

Property Owner: Markopoulos Developers, LLC. 2011-2-2-Z-2  
31-33 Lincoln Street  
Block 97, Lot(s) 21.01 & 21.02

Zoning Application: Recently approved for the subdivision. Proposed development of a one family home on lot 21.01 and one two family home on lot 21.02.

Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading was made by Mr. DiBlasio, second by Mr. Soojian. Roll Call: Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

**CORRESPONDENCE:**

Date: February 28, 2011. From: Borough Clerk, Re: Resolution authorizing the granting of a drainage easement to Jody Pasqua, 28 Lamker Ct.

Date: February 24, 2011. From: Job & Job Engineering. Re: Report for Lincoln Street Subdivision/Site Plan.

Date: February 18, 2011. From: John Lamb, Re: Royale Realty.

Date: February, 28, 2011. From: Borough Clerk, Re: Resolution Authorizing Borough Engineer to Prepare Existing Conditions-Location/Topographical Survey, Taking Sketches & Civil Engineering Plans for Improvement/Signalization of Liberty/Redneck Intersection.

Date: February 28, 2011. From: Rutgers, Re: Continuing Studies, Planning & Zoning Administration Program.

Date: March 2, 2011. From: Rutgers, Re: Land Use for Board Members.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03  
Zoning Application: Expanded pavers around pool and walkway without permits.  
This application will be carried to the April 13, 2011 meeting.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24  
Planning Application: Remand Hearing.  
Chairman Olivelli stated that he spoke with Mr. Kaufman and they are working with all engineers for the finalization of the engineering plans. This application will be carried to the March 23<sup>rd</sup> meeting.

Applicant: Mrs. Jody Pasqua 2010-2-1-Z-1  
28 Lamker Ct.  
Block 106.03, Lot 2  
Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.  
This application will be carried to the April 13, 2011 meeting.

Property Owner: A.J.A. Capital, LLC. 2010-12-3-P-26  
Applicant: Mustafa Ugurlu  
D/B/A Autoline, Inc.  
135 Route 46 E.  
Block 17, Lot 36  
Informal Site Plan Application: Sale of business only. Used car sales.  
Mr. Ugurlu stated that he changed the plan. Chairman Olivelli stated that he did some calculations and he needs to remove some cars. He is permitted to have a total of 45 cars for sale and 3 for customer parking. Total of 48 spots. The board members had no questions. Mr. Anzalone stated to be a good neighbor as he lives down the street.  
Chairman Olivelli opened questions to the general public. Closed to the general public.

Chairman Olivelli stated that he must submit a new plan showing the changes. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve the application was made by Mr. Lenihan, second by Mr. Gerard. Roll Call: Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

Property Owner: Kenneth Scheeler  
Applicant: Under 70 Auto Sales, Inc.  
185 Route 46 East  
Block 18, Lot 39

2011-1-1-P-1

Informal Site Plan Application. Used car dealership.

The attorney for the applicant stated that his client is seeking 25 vehicles. Chairman Olivelli stated that the calculations were incorrect and spot 23, 24 & 25 should not be there. He did bring the total vehicles down to 14. Mr. Okatan was sworn in. The vehicles that are not ready would be in the garage. Chairman Olivelli stated to label the garage area as the preparation area and not used as spots. They are willing to take out spots 23 & 24 and use the garage as the preparation area and they are also willing to remove spot 25. The board agreed on a total of 22 vehicles. He is required to submit a new plan showing the 22 spots. Chairman Olivelli entertained a motion to approve or deny this application. Motion to approve the 22 vehicles was made by Mr. DiBlasio, second by Mr. Lenihan. Roll Call: Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avilli, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

Property Owner: Jetstar Realty  
Applicant: June Powers  
209-211 Main Street  
Block 39, Lot 48.02

2011-3-1-P-3

Informal Site Plan Application. Food preparation & ship meals to clients.

Ms. Powers was sworn in. Ms. Powers will be the new tenant. Her business is a diet plan. They prepare and package and ship a diet zone plan to clients. They ship fedex. No retail. Her hours of operation will be 6 days a week, 4 days of preparing and packaging of food, and 2 days for shipping. 7:30 am to 4:30 pm 4 days a week and 8:30 am to 2:30 2 days a week. They shipping area is convenient for Fedex. Fedex will pick up twice a week. She & her employees bring in the food. Her employees will be parking there. She has 5 employees. Chairman Olivelli opened questions to the general public. No one approached. She will not be open on Fridays. Closed to the public. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve the application was made by Mr. Lenihan, second by Mr. Gerard. Roll Call: Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

Property Owner: TNS, LLC.

2011-3-2-P-4

4 Bergen Turnpike

Block 25, Lot(s) 7 & 8.01

Informal Site Plan: Renovate Restaurant/Catering Hall and non-adjacent building.

Frank Migliorino Esq. for the applicant. He stated that this location is where Tracey's was. The property has been sold for 2 million. This is going to be the same exact building with interior renovations no changes to the exterior. They do not need any variances. This is a change of ownership. The plans are in for the board's edification. All they need are permits. Mr. Steven Chung is the electrical contractor. He has been in business for 26 years. He has his own company. Mr. Tom Kim is a general contractor. He has been in the business for a long time. Mr. Park is the architect. It is going to be a beautiful structure. It is going to be primarily a Korean theme restaurant. Mr. Matthew Park was sworn in. He stated that the outside of the building is passable and will do something in the future. They will put up partitions for the karaoke, the second floor will be divided. Questions were open for the architect. Mr. Thomas Kim was sworn in. Mr. Kim stated he would like Japanese food, Mr. Steven Chong was sworn in. Mr. Migliorino stated that they are the new owners of the property and building. There are riparian rights down at the waterfront. The main building will have karaoke, the waterfront building will have the restaurant. Both kitchens will be open. The customers will be able to pick from a set menu from A for \$30.00, B for \$40.00 or C for \$50.00. They will have between 12 to 15 employees. They will do landscaping. The hours of operation will be 11:30 am to 2:00 pm. The airplane hangar seems to be ok. He has not looked at it structurally. Right now they use it for storage. The building does not need to be fire sprinklered. There will be an exit sign at the end of the hall on the 2<sup>nd</sup> floor. They already have cameras for outside. They are going to add outdoor lighting. The boat dock will be repaired. They may be willing to have a boat access for the fire department. Chairman Olivelli opened questions to the general public. Closed to the public. With the delay of the plans being submitted the board attorney will prepare a resolution for the next meeting.

Mr. Anzalone stated that at the M & C workshop meeting he brought up the car lot spacing should be 10'x20' this would include the 3' between the vehicles. This would also include that they line the lots.

Chairman Olivelli stated that they have a few professionals to vote on this evening. They have the landscape engineer Scott A. Levey d/b/a Scott Alan Design. Chairman Olivelli entertained a motion to approve or deny the engineer. Motion to approve was made by Mr. DiBlasio, second by Mr. Lenihan. All Ayes.

Chairman Olivelli entertained a motion to approve or deny Mr. Nicholas Salerno d/b/a Nicholas Salerno Architect. Motion to approve was made by Mr. Gerard, second by Mr. Lenihan. All Ayes.

They are going to hold off on the Planner and Traffic Engineer until the next meeting or the April meeting.

Mr. DiBlasio suggested having the public hearings posted on a sign. Mr. Soojian stated to use the sign in front of the Municipal Building. Mr. Anzalone stated that this sign is difficult. They are looking into getting funding to get a digital sign in front of the school.

Mr. Avillo questioned the CVS project. Chairman Olivelli stated that it is with the DEP at this time. There are some contaminants at this site and it is being tested. They did change their plans and put the building in the middle of the site instead of off to the one side.

Where the old Walker Poroswall was there is still a ton of contaminants there and this is also with the DEP. They cannot do anything until they get approval from them.

The hearing before the Supreme Court will be set for the future. No date has been given at this time.

**ADJOURNMENT:** 8:35 pm.



Property Owner: TNS, LLC. 2011-3-2-P-4  
4 Bergen Turnpike  
Block 25, Lot(s) 7 & 8.01  
Informal Site Plan: Renovate Restaurant/Catering Hall and non-adjacent building.

**CORRESPONDENCE:**

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03  
Zoning Application: Expanded pavers around pool and walkway without permits.  
This application will be carried to the April 13, 2011 meeting.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24  
Planning Application: Remand Hearing.

Applicant: Mrs. Jody Pasqua 2010-2-1-Z-1  
28 Lamker Ct.  
Block 106.03, Lot 2  
Zoning Application: Zoning appeal of the decision of the zoning officer & for variances  
set forth in the application.  
This application will be carried to the April 13, 2011 meeting.

**ADJOURNMENT:**

**MINUTES  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
MARCH 23, 2011**

**MEETING START:**           7:35 PM

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

**This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.**

**ROLL CALL:**

**Members Present:**

Steven Gerard  
Ronald Anzalone  
Anthony DiBlasio  
William Lenihan  
George Carrion  
Marty Loesner  
Alan Soojian (7:42 pm)  
Chairman Joseph Olivelli  
James Avillo

**Members Absent:**

Richard Bolan (EA)  
James Cirillo (EA)  
AJ Joshi (EA)  
Board Attorney, Brian T. Giblin

**Also Present:**

Board Clerk, Susan Gerber

**APPROVAL OF MINUTES:**       March 16, 2011. Chairman Olivelli entertained a motion to accept the minutes as written. Motion to accept the minutes as written was made by Mr. DiBlasio, second by Mr. Lenihan. All Ayes.

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

Property Owner: A.J.A. Capital, LLC. 2010-12-3-P-26  
Applicant: Mustafa Ugurlu  
D/B/A Autoline, Inc.  
135 Route 46 E.  
Block 17, Lot 36  
Informal Site Plan Application: Sale of business only. Used car sales.  
Chairman Olivelli stated that this resolution will be ready for the April 13, 2011 meeting.

Property Owner: Kenneth Scheeler 2011-1-1-P-1  
Applicant: Under 70 Auto Sales, Inc.  
185 Route 46 East  
Block 18, Lot 39  
Informal Site Plan Application. Used car dealership.  
Chairman Olivelli stated that this resolution will be ready for the April 13, 2011 meeting.

Property Owner: Jetstar Realty 2011-3-1-P-3  
Applicant: June Powers  
209-211 Main Street  
Block 39, Lot 48.02  
Informal Site Plan Application. Food preparation & ship meals to clients.  
Chairman Olivelli stated that this resolution will be ready for the April 13, 2011 meeting.

Property Owner: TNS, LLC. 2011-3-2-P-4  
4 Bergen Turnpike  
Block 25, Lot(s) 7 & 8.01  
Informal Site Plan: Renovate Restaurant/Catering Hall and non-adjacent building.  
Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading was made by Mr. Gerard, second by Mr. Lenihan. Mr. DiBlasio stated if they could change the wording in the resolution to a usable dock for the use of the Fire Department. Attorney Migliorino stated that his clients would be more than happy to repair the dock and it is usable and it will be done. Mr. DiBlasio stated that the ramp is in disrepair. Chairman Olivelli stated that in his testimony the general contractor was going to repair it. Mr. DiBlasio stated he would like that put in the resolution that they are going to repair it. Mr. Migliorino agreed to make the repairs and make it usable. Roll Call: Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Avillo, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

**CORRESPONDENCE:**

Date: March 16, 2011. From: Job & Job Engineering. Re: Royale Realty, LLC.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24

Applicant: Galas, Edward

85 Columbus Ave

Block 92, Lot 17.03

Zoning Application: Expanded pavers around pool and walkway without permits.

This application will be carried to the April 13, 2011 meeting.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)

273, 277 & 281 Main Street

Block 38, Lot(s) 22, 23 & 24

Planning Application: Remand Hearing.

Applicant: Mrs. Jody Pasqua 2010-2-1-Z-1

28 Lamker Ct.

Block 106.03, Lot 2

Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.

This application will be carried to the April 13, 2011 meeting.

Chairman Olivelli stated that he spoke with Mr. Bolan in regards to the car lots. The cars seem to be parked close to one another. Mr. Bolan and Mr. Giblin explained to Mr. Olivelli that this board cannot set forth the conditions unless the applicant appears before the board with a site plan application. They are kind of grandfathered in so far as a non-conforming use. What the board can do is send a letter to the Fire Department specifically Mr. Holley and ask him to make onsite inspections with regards to fire lanes, and having 3' between cars. As soon as the Mayor & Council adopts a new ordinance with regards to the 10'x20' parking spaces we can bring in any applicant that applies to this board after it's approved by the Mayor & Council. Mr. Avillo questioned if the Mayor & Council was permitted to draw up a bulk requirements for something that is not permitted. Chairman Olivelli stated yes they can but it has to come to the Planning/Zoning Board for their review and vote and then it would go back to the Mayor & Council. When the applicant comes before the board for a change of ownership for the same use that is all we could do. Even if the owner stayed the same and subleases the business the board could still enforce it.

Chairman Olivelli stated that the board needs to appoint a traffic engineer. The board has a recommendation of Remington, Vernick & Arango Engineer, Inc. from 300 Penhorn Avenue located in Secaucus, NJ. If the board sees fit to vote for this firm they would take the place of TRC Raymond Keys. He feels that this firm is a little bit more knowledgeable in the needs of Little Ferry and would do a great justice to the board.

Chairman Olivelli entertained a motion to accept Remington, Vernick & Arango Engineers, Inc. as our board engineer. Motion to accept Remington, Vernick & Arango Engineers, Inc. second by Mr. Gerard. Roll Call: Mr. Gerard, yes-Mr. Anzalone, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Mr. Avillo, yes-Chairman Olivelli, yes.

Chairman Olivelli opened to the general public. No one approached. Closed to the public.

**ADJOURNMENT:** 7:44 pm.



Property Owner: Jetstar Realty 2011-3-1-P-3  
Applicant: June Powers  
209-211 Main Street  
Block 39, Lot 48.02  
Informal Site Plan Application. Food preparation & ship meals to clients.

**CORRESPONDENCE:**

Date: April 5, 2011. From: Job & Job Engineering. Re: Pasqua, 28 Lamker Ct.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03  
Zoning Application: Expanded pavers around pool and walkway without permits.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24  
Planning Application: Remand Hearing.

Property Owner: Mrs. Jody Pasqua 2010-2-1-Z-1  
28 Lamker Ct.  
Block 106.03, Lot 2  
Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.

Property Owner: Mr. & Mrs. Ptak 2011-4-1-Z-5  
1 Gertz Ave.  
Block 99.03, Lot 18  
Zoning Application: Add dormers to expand the area of the top floor.

**ADJOURNMENT:**

**MINUTES  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
APRIL 13, 2011**

**MEETING START:**           7:30 pm.

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

**This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.**

**ROLL CALL:**

Members Present:	Richard Bolan Steven Gerard Ronald Anzalone William Lenihan George Carrion Marty Loesner Alan Soojian AJ Joshi Chairman Joseph Olivelli
Members Absent:	James Cirillo Anthony DiBlasio James Avillo
Also Present:	Board Clerk, Susan Gerber Board Attorney, Michael Gannaio

**APPROVAL OF MINUTES:**       March 23, 2011. Chairman Olivelli entertained a motion to approve or deny the minutes as written. Motion to approve the minutes was made by Mr. Lenihan, second by Mr. Soojian. All Ayes.

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

Property Owner: A.J.A. Capital, LLC. 2010-12-3-P-26

Applicant: Mustafa Ugurlu

D/B/A Autoline, Inc.

135 Route 46 E.

Block 17, Lot 36

Informal Site Plan Application: Sale of business only. Used car sales.

Chairman Olivelli entertained a motion to accept the resolution as written. Motion to accept the resolution as written was made by Mr. Joshi, second by Mr. Anzalone. Roll Call: Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

Property Owner: Kenneth Scheeler 2011-1-1-P-1

Applicant: Under 70 Auto Sales, Inc.

185 Route 46 East

Block 18, Lot 39

Informal Site Plan Application. Used car dealership.

Property Owner: Jetstar Realty 2011-3-1-P-3

Applicant: June Powers

209-211 Main Street

Block 39, Lot 48.02

Informal Site Plan Application. Food preparation & ship meals to clients.

**CORRESPONDENCE:**

Date: April 5, 2011. From: Job & Job Engineering. Re: Pasqua, 28 Lamker Ct.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24

Applicant: Galas, Edward

85 Columbus Ave

Block 92, Lot 17.03

Zoning Application: Expanded pavers around pool and walkway without permits.

Attorney Mr. McCann on behalf of the applicant. This is a withdrawal of an application.

The application was withdrawn a year ago but the board requested that the property be restored to the condition that it would have been only the permitted work being completed. That work has been completed. Mr. Cirillo had indicated that there were some retaining rocks along the perimeter of the property, all of those retaining rocks have been removed and re-graded. Chairman Olivelli stated that he understands the paver portion has been completed and there is another issue with the rear yard near the pool. Mr. Job stated that he was under the understanding that the property was to be restored to

employees. He suggested doing a guideline for any used car lot that comes before the board.

Chairman Olivelli stated that they have a letter from Mr. Francis, Esq. in regards to Faustini and apparently there is some confusion on escrow amounts for Mr. Job's bills. Chairman stated he would get in contact with Mr. Job to contact Mr. Faustini and they could review the bills.

Mr. Joshi questioned the former Hess site. There is a lot of construction debris. It is increasing by the day. It could be a solid and hazardous waste violation. He feels that they should look into it and if they have any permits to store that material. It could cause additional problems, not only for the municipality but also the homeowners. It looks dirty and horrible. It's almost a violation of many environmental laws as well as our local laws. Mr. Anzalone stated it has been addressed so many times about getting that cleaned up; people come to council meetings and complain about it. Mr. Bolan stated he would look into and he is not aware that there is that much accumulation of debris. He would take the legal steps. Mr. Joshi stated he was there and it has increased, there is construction debris there, concrete, would require a special permit to store construction debris and other things there. Do they have a recycling designation; there are a lot of issues there. Mr. Lenihan asked if it were permissible to bring other peoples garbage into the community. Mr. Anzalone stated from what he sees it's concrete.

Mr. Anzalone stated that in the fall they are going to start the circle project, shortly after that they are going to start the bridge. The bridge will be down to 2 lanes. They tried to persuade them from not working at night due to the residential areas. DOT is going to do what they want to do. He stated that the police chief is predicting traffic backups for miles in both directions; they are thinking of temporarily closing some of the side streets, this is a 2 year project.

Chairman Olivelli opened questions to the public.

Mr. Nuckel stated that they have satellite data from the early 2000 and they tracked it for the debris, he finds it an interesting story. This site was cleared allegedly at least of the materials from the old oil tank that was still on the site. It was never removed. However, since that point you would see the progression of the dumping of the pictures from the satellite it's too much, it's unbelievable when you look at it, now the site has gone up in elevation 30 to 40 feet and it continues to grow. He could provide the board with that information to see what went on there. If you look in the housing element and fair share plan reference that was filed there is an issue about sewer service to this site from Mount Laurel COAH application. Mr. Monaghan stated that there are sewer lines there. Mr. Nuckel stated that they are trunk lines. All you have to do is ask our engineer, your engineer's grandfather designed, the engineers father helped build it, Mr. Job walked through the pipes from Hackensack to the BCUA, he could tell you what size they are, and they are 6 feet.

**ADJOURNMENT:** Chairman Olivelli entertained a motion to close/adjourn the meeting. Motion by Mr. Joshi, second by Mr. Lenihan, All Ayes.

Mr. Donald Nuckel stated he would like to go over a few things and report that was recently sent to Mr. Job in reference to contamination on the Popper property and migration of a ---its interesting that Popper found the contamination from 1993. There was a community right to know information that was sent out. As far as he is concerned it doesn't accurately reflect of all the people it should have been noticed. It may have contamination on their plume the schools should have been put on notice, and some other people. However they have known it since 1993 there are contaminants there and the way they are handling it if you read the form from the environmental engineer they are in a sense not filled out all the way, some of the lines are blank, initial investigation as of February 11<sup>th</sup>, it started in 1993. This is a serious issue. For them to be that irresponsible in reference to it and there is a lot more intention we put on it, it is a document that the towns council has and maybe they should look into it since there may be potentially made an application.

The riverfront, housing, fair housing act, the fair share plan, there are numerous documents that the town has drawn and want to submit and hopefully has submitted to the board, there are documents, there are several mistakes, they have an engineer's report to be filed that has mistakes in it too. They are going to correct that and put the notice into the record. It is embarrassing to them in a sense that it is so bad that they have to correct it. He is not here to create or alarm anyone but there are errors in the filed reports that should be addressed, they asked for it to be corrected, they seem to be avoiding it for some reason. The COAH website has all the forms and documents on there, the COAH registration reviews everything and signs off when everything is correct, the public hearing is regional, it is very big, and at this time they would like to see it done right. You have to have an approved plan, what is the judge going to look at, if you don't have a plan approved by the Planning Board there is nothing to approve, it's not done. Therefore your draft plan will have to go back to the Planning board and be subject to the prerogative writ actions get it approved and get it to the Planning Board so you could go up there with a final plan.

Chairman Olivelli opened questions to the public. No one approached. Closed to the public.

Mr. Anzalone stated that they were discussing the size of parking on car lots. In the Borough Ordinance book it states that the Planning/Zoning board could designate the size of the stall for each car that we require on site. So if we want to go with 10'x20', the Borough standard is 8'x 18', he thinks 10'x20' would be advisable and as far as the ordinance goes it would back us up on that. We are good with that. Mr. Bolan asked if we need to have a hearing before we impose the change to the ordinance. Mr. Anzalone stated no, there would be no change to the ordinance, if you read the ordinance we could designate the size. Mr. Bolan asked if it could be imposed on existing lots without going to appear before the board. Mr. Anzalone stated he would have to find out. Mr. Bolan stated that he knew that the fire official was out enforcing fire lanes. Maybe we could bifurcate to add a size of a space but also safe standards for a used car lot, paved lots, ingress-egress, fire lanes, striping stalls for the cars, stalls for the customers, stall for the

an opinion, he would prefer to have the survey than to issue a \$2,000.00 penalty. He wanted her to provide him with measurements that were accurate; he preferred not to issue her a penalty on top of what was a series of complications. She did stop the construction and then wanted to remedy the issue. Mr. Ritvo stated they want to resolve these issues. Chairman Olivelli questioned the installation of where the pool was installed in comparison to the diagram or was it moved. Mrs. Pasqua stated she thinks so. Mr. Job stated that the pool was installed further to the property line than shown in the drawing. A portion of the pool is built on a drainage easement. Chairman Olivelli went over Mr. Bolan's letter regarding lot coverage, rear yard setback, separation from the structure and the pool, shed. Mr. Bolan stated that as the issue became apparent, what they were requiring the applicant to do was a make a resubmission as the improvement have not been done. That way he would have been able to do a denial letter that would represent the variances as they existed not the variances that were approved by the previous resolution. He discussed the reason for the two different denial letters. Chairman Olivelli stated that she could have made the pool smaller. Mr. Gannaio went over the drawing of the pool with Mrs. Pasqua. Mr. Ritvo stated that there is 6 ½ feet from the pool to the property line and another foot and a half to the fence so that it the 8 feet. The two feet is from the concrete to the property line, the 8 feet shows on her original application are from the pool to the property line. Chairman Olivelli stated that the pool could have been made smaller. Mr. Carrion asked if the board was here to clarify the 5 issues. Chairman Olivelli stated yes and no. They are also here for the fence and the pool being turned for where it was to be initially installed. Mr. Ritvo stated that they would like to explore some possible changes that they would propose to reduce lot coverage. Mr. Bolan stated that he read the Planners report and it is instrumental on how they proceed. Mr. Ritvo stated that he would like to read the report and come back to the next meeting. Mr. Gannaio stated that the Planner should be here at the next meeting. Mr. Bolan stated that under the UCC does not allow you to use a pool without a CO, there has been no final inspections on the pool, and cannot be used, he stated not to use the pool or energize the circuits. This application will be carried to the May 18<sup>th</sup> meeting.

Property Owner: Mr. & Mrs. Ptak  
1 Gertz Ave.  
Block 99.03, Lot 18

2011-4-1-Z-5

Zoning Application: Add dormers to expand the area of the top floor.

Marty Loesner recused himself from the application.

Mr. Ptak was sworn in. He stated that there is not enough space in the house. He wants to raise the roof on the back side of the attic this way they could create a new bathroom. He is requiring variances. Mr. Bolan stated he is expanding the dormer area on the 3<sup>rd</sup> floor. Mr. Bolan asked if it were to be a one family house. Mr. Ptak stated yes. He is adding on for extra space and provide more living space and bathroom.

Chairman Olivelli opened questions to the board members. No questions. Chairman Olivelli opened questions to the general public. No one approached. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve the application was made by Mr. Carrion, second by Mr. Gerard. Roll Call: Mr. Bolan, yes-Mr. Gerard, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

of the easement to allow the pipe to go into Borough land and outflow of water. The way the development was built the water flows to the east from the houses that were built along Lamker Ct. out towards this property. To the east is a large underdeveloped piece of land and it also has a ditch there. The water would be collected from the property stored in the pipes and with an overflow to the ditch. That is the way the water generally flows now. Chairman Olivelli opened questions to the board. Mr. Bolan asked if the applicant was going to follow Mr. Job's comments. Mr. Ritvo stated that they worked on it for a long time and that is why they waited to get here so they could come here tonight and come and say that. Mrs. Pasqua was sworn in. She owns the property, she has made an application to the board in 1997 for an addition, she did get a CO after the addition was complete, she applied for a variance for the pool and extend the shed. She received a denial from the zoning officer. The variance did indicate that there was a rear yard setback applied for insufficient separation from a residential structure, min lot area, min lot width, excess coverage. A construction permit was received for the pool and prefab shed. A copy of the design of the shed was submitted to the building office. Mr. Bolan stated that the pool house was never submitted. Mr. Ritvo stated that a permit was issued for the concrete patio and walkway. A permit was issued for a replacement of a fence. Mr. Ritvo stated that the fencing borders the rear of all the properties along the larger property belonging to the NJMC or the Borough. There was a fence there before and she applied for a replacement fence and received a permit. The driveway was not there when she purchased the house. She made an application and received approval for the driveway. Mr. Bolan stated that A-7 is an application for a permit. Mr. Ritvo stated it's an application for a shed. Mrs. Pasqua did not get a permit for the shed. Chairman Olivelli opened questions to the board members. Mr. Bolan stated that it is not a construction permit but an application. Mr. Gannaio questioned Mrs. Pasqua about her file, application, drawings, documentation; her application was based upon her drawing. She stated a drawing was missing which was the shed that she drew. The document showed distance and feet, she was asked if she reviewed the minutes of April 23<sup>rd</sup> of 2008. Mrs. Pasqua stated no. Mr. Bolan asked what was missing from the minutes. Mrs. Pasqua stated there was discussion on the setbacks before & after the concrete, if the pool was vermiculite or concrete, we can listen to the tapes. Chairman Olivelli stated that minutes are not verbatim. Chairman Olivelli stated that in addition to the pool house was to be 5' x 8' addition. Mrs. Pasqua stated she thought it was to be 8' x 10'. Chairman Olivelli asked if that is what she did. Mrs. Pasqua stated no. It's a 5 sided shed. Mr. Olivelli stated its 18'.3" x 18'.3". Chairman Olivelli questioned if the shed was built on someone else property. Mr. Ritvo stated it was about 3 sq. ft. onto the property. Chairman Olivelli asked if the fence was installed by a fence company. Mrs. Pasqua stated that when she replaced the fence she assumed it was on her property. She did have a fence company install the fence. It goes the whole length of the street. There is no gap between her fence and her neighbor to the left. She replaced it to exactly where it was. Mrs. Pasqua stated she called Mr. Bolan to come and look at the issues on her property. Mr. Bolan stated that a building official cannot make a lot line determination without a survey, she also did work without a permit, he stated that he knew there was working being done without a permit and he knew she was doing work that was not part of the permit, if he went out to the site he was going to issue a violation and a monetary penalty, he did say to her that he would need a survey to give her an informed decision rather than

Property Owner: Mrs. Jody Pasqua  
28 Lamker Ct.  
Block 106.03, Lot 2

2010-2-1-Z-1

Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.

Mr. Harold Ritvo, Esq. on behalf of the applicant. He stated that they have worked very hard with Mr. Job and their engineer Mr. Koestner trying to resolve the engineering issues before they came this evening. Mr. Ritvo stated that Mr. Job feels there is an issue with the drainage swale. Mr. Koestner has been filled on and the water does not flow through it. They have tried with Mr. Job to resolve the water issue. The pool was approved by this board on April 16, 2008. There was an attempt to make an application by herself without council, without an engineer and drew the improvements on the plan. That plan was approved by the board with a resolution without specificity as to the variances that were granted. He suggests that there was some confusion on what was granted and they are trying to rite it. There are a number of improvements on the lot and have been there for a number of years. Mr. Ritvo stated that they have applied to the governing body for the right to have an outfall pipe to collect the water on site in lieu of a drainage swale. The drainage will flow to the drainage ditch. Mr. Job stated that the applicant's engineers submitted a revised variance plan which includes a drainage system in the rear of the lot within the drainage easement. The concept behind the system as proposed is consistent in what he was looking for as far as to intercept run off that would go into the swale previously and then take that water from upstream and discharge it into the drainage ditch off site on the Borough owned property. There are a couple of modifications that are needed to the system one is its capacity has to be increased from what's currently proposed to be oversized which was agreed to and the other item is to modify how the water is discharged into that drainage ditch. Currently the applicant is proposed running a 4" pipe from the drainage system into the ditch. The 4" pipe concept for volume is not a problem it appears but you want to make sure that if you have a heavy storm that it's an emergency overflow that would allow that once that system's capacity is reached rather than back the water above stream it would just discharge fully into the ditch. That is with those two modifications from a drainage standpoint they are satisfied that the system that they are proposing meets the intent of what that drainage swale was and hydraulically its equivalent plus the volume of the system would also compensate for the increase in impervious coverage that is currently on the lot.

Mrs. Theresa Cirillo was sworn in. She stated that she lives next door to the applicant. She is familiar with the yard. There are no drainage problems from her yard to Mrs. Pasqua's or from Mrs. Pasqua's to her yard. There were no drainage problems from either yard from the recent rainfall. The water flows to the back.

Mr. Steven Koestner was sworn in. He heard Mr. Job's report and he can make the changes that Mr. Job suggests. He spoke about a control box opposed to a direct 4" pipe to a 12" pipe. The control box has an orifice in it which is a smaller hole which the water goes more slowly drainage to replicate what would have naturally occurred if the property had not been developed. He designed an outflow plan which would flow onto Borough land east of this property. That is the design that the governing body approved

the position where the grading in the rear yard followed the filed map. And that his client agreed to provide a topographic survey and a restoration plan of the rear yard. None of which has been done, photographs also even if you want to say you restored it photographs are not sufficient documentation, the photograph shows that the property is still significantly higher than the filed map calls for. It's not where it is supposed to be. Mr. McCann stated that Mr. Cirillo the prior property owner is that the property was to be restored to the condition that it was in prior to the work being performed for which there was no permit issued. Mr. Job stated that was not his understanding. It was his understanding that the property had work done to it in violation of the filed map which created it that may predate your clients purchase but it doesn't remove his responsibility to address those problems. Mr. McCann stated that he is going to have to obtain a copy of the filed elevation maps and assume recourse to the prior owners. Mr. Job stated he provided that information a year ago to his engineer. The grading map and numerous reports on its all of which have been ignored completely. Since day one on this his position has been the same. There was work done on the property and he does not know when. He does know that the drainage patterns on that have been altered and because of that it is creating problems upstream of the property including the fact that the photographs show it. The catch basin that was constructed apparently when the filed map was done now has filled two feet above it and a retaining wall constructed around it so water can't get in it. So there is no question that that rear yard violates the filed map. He is still waiting for his first report to be addressed. Mr. McCann stated that he thinks that they should determine all the permits that were issued on that property and inspections so they could ascertain when this work was done because certainly from his information Mr. Cirillo indicated that most of that work was done the condition that he transferred the property. He doesn't know if Mr. Cirillo did it he thinks it preceded his own issue and was all completed at the time the pool was installed. He needs to get to the bottom to see who the responsible parties are. Mr. Job stated that as the current owner he is responsible to correct the problem. He may have recourse from the person he bought it from. Mr. McCann stated that Mr. Cirillo was going to provide photographs and restore the property to that condition. Chairman Olivelli stated that the catch basin in the back was not in the condition that it is now when he sold the house to your client. Mr. Cirillo is looking for pictures, the board does not have them yet, so they are going to have to wait for his testimony and figure out when this was done. Mr. Job explained on how to get some new information from the surveys. He also stated that at least he needs a location survey. Mr. McCann stated that he would have a new location survey done. The application is to be carried to the May 18<sup>th</sup> meeting.

Applicant: Royale Realty  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24

2006-1-2-P-2 R (Remand)

Planning Application: Remand Hearing.

Chairman Olivelli stated that this application would not be heard this evening and would be carried to the May 18<sup>th</sup> meeting.

**AGENDA  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
APRIL 20, 2011**

**MEETING START:**

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

**This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.**

**ROLL CALL:**

**APPROVAL OF MINUTES:**

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

**CORRESPONDENCE:**

**HEARING OF NEW CASES/APPLICANTS:**

**Present and receive public comments on the Proposed 2011 Housing Element and Fair Share Plan, which will amend the Master Plan of the Borough of Little Ferry.**

**Adopting the 2011 Housing Element and Fair Share Plan and Endorse the Housing Element and Fair Share Plan, Adopt the Implementing Ordinances, and Petition the Court for a Judgment of Compliance and Repose.**

**ADJOURNMENT:**

**MINUTES  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
APRIL 20, 2011**

**MEETING START:**           7:35 P.M.

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

**This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.**

**ROLL CALL:**

Members Present:                               Steven Gerard  
  Ronald Anzalone  
  Anthony DiBlasio  
  William Lenihan  
  George Carrion  
  Alan Soojian  
  Chairman, Joseph Olivelli  
  James Avillo

Members Absent:                               Richard Bolan (EA)  
  James Cirillo  
  AJ Joshi  
  Marty Loesner (EA)

Also Present:                                    Brian T. Giblin, Board Attorney  
  Susan Gerber, Board Clerk

**APPROVAL OF MINUTES:**           None.

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

**CORRESPONDENCE:**

**HEARING OF NEW CASES/APPLICANTS:**

**Present and receive public comments on the Proposed 2011 Housing Element and Fair Share Plan, which will amend the Master Plan of the Borough of Little Ferry.**

**Adopting the 2011 Housing Element and Fair Share Plan and Endorse the Housing Element and Fair Share Plan, Adopt the Implementing Ordinances, and Petition the Court for a Judgment of Compliance and Repose.**

Mr. Giblin stated that the board has received the copies of the proposal of the 2011 Housing Element and Fair Share Plan. It was distributed back in January. This is a public hearing.

Chairman Olivelli opened questions and comments to the general public.

Attorney Mr. Shiamanowitz on behalf of Donald Nuckel and Mr. Nuckel's entities. They are here this evening to object to the housing element and fair share plan that is before the board. It is their position that the Planning Board should not adopt the document. He stated that it does not create a realistic opportunity for the Borough's Fair Share with housing. The notice was served to the adjoining municipalities which were also filed with the county.

Mr. Shiamanowitz stated for the record there is an objection to the form of the notice.

Mr. Art Bernard; Planner for the objector. He was sworn in and accepted as an expert by the board. There is a constitutional obligation for every town to provide its fair share of low and moderate income housing. Since 1985 COAH has put a number on the housing number obligation. The COAH used the 2000 census information to estimate that there are 42 substandard units in the Borough; more information is coming out with the recent data. COAH has also assigned the Borough a share of regional obligation and it assigned the Borough 28 affordable units to provide a realistic opportunity from between 1987 and 1999. The Housing Element recognizes that the Borough is going to have to come up with a plan for its post 1999 housing obligation as soon as they can figure out what it is. They plan to address the rehab share is worked with the County and the County would administer a rehabilitation program to fix up the units. There are two special means housing facilities that are in the Borough. One is on Niehaus Avenue and one East Gate Road. The other part of the plan is to address additional units through a private sector developer called Royale Realty. Anywhere from 12 to 28 units whatever the Borough needs is supposed to be constructed by an entity call 110 Bergen Turnpike, LLC. The comments for the Rehab program, the plan is to formalize an agreement with the county where the county would administer the rehab program. This county rehab program has been available in Little Ferry for years. The county has only been able to complete 6 of the 42 units in the last 10 years. He feels the Borough needs to be more aggressive to advertise the program. The Borough did adopt a resolution which is to

support the rental rehabilitation program. The rehab program needs to address not only rentals but also owner occupied units. With regards to special needs housing, the Borough is seeking credit for the group home and the other is called a housing facility, it needs to be clear what East Gate is going to be, a group home or a quality care. The criteria for credit would be different. The developer Royale Realty received an approval that was to develop two affordable units. That approval was overturned in Superior Court. They are looking for the status report in terms of this development. Most of the housing that the Borough mentions is coming from the 110 Bergen Turnpike site. The Borough has also proposed an overlay zone on that site. He felt there was a problem with the overlay zone in that there is an option for the developer to develop without building any affordable housing. COAH regulations practice has been not to allow overlay zones on vacant properties. It allows the vacant parcel to be developed without building any affordable housing. There are some elements to 110 Bergen Turnpike that are up in the air. The site is contaminated but it's not clear when it's ever going to be cleaned up enough to build housing. The developer was supposed to provide monitoring reports to keep DEP abreast and as of a number of months ago DEP could not give him even an estimated guess when the site was to be developed. If the developer cannot give any indication on when they could build any housing then the Borough would need to look for more affordable housing opportunities. The Borough has attempted to create a realistic opportunity by signing an agreement for affordable housing at 110 Bergen Turnpike but again the agreement does not include a concept plan, a time table for construction and doesn't require the developer to build anything so there is no firm commitment to build affordable housing on this site. He also found regarding the overlay zone was all the lots within lot 25 but it singles out 110 Bergen Turnpike with special treatment, all the other lots within the block would have to build a market housing with a minimum density of 25 units per acre with a set aside for affordable housing. 110 Bergen Turnpike is exempt from building any market housing. The only thing that developer needs to do is to build anywhere to build from 6 to 12 to 28 affordable units. He believes all the lots should be treated uniformly. He feels that the proposed rezoning is contrary to the director of the Municipal Land Use Law. The housing element should be corrected that it is not the 2003 Master Plan reexamination but it's the 2004 amendment to the Master Plan amendment which corrected that any impression that Mr. Nuckel's properties are plighted in any way. The 2004 amendment also discusses an overlay zone such as south of 46. It would be consistent with the 2004 amendment to extend the overlay zone all the way to the Hackensack border. It would also create additional affordable housing opportunities that could be useful to addressing the 87 to 1999 housing obligation but whenever our housing obligation is after 1999. The overlay zone south of 46 is to have the potential to change the character of the area. It allows the character to build a two story to as high as 14 stories depending on the setback of the building. Hackensack allows the waterfront to develop at a height of 150 feet. Zoning is supposed to consider not only zoning of adjoining properties but also zoning of adjacent municipalities. The 2004 Master Plan envisions the overlay zone north of 46. He finds that the Housing Element does not create a realistic opportunity for the Borough's housing obligations. The Borough needs to provide the necessary documentation for the support of living that its proposing and needs to demonstrate that 110 Bergen Turnpike has made a firm commitment to a constructive affordable housing by demonstrating when

DEP will approve the site residential development by showing what is proposed on the site by discussing what is going to be developed and when. The overlay zone should be extended to the north all the way to the Hackensack River.

Chairman Olivelli opened questions to the board for this witness. Chairman Olivelli opened questions to the general public.

Lenny from Hackensack (wanted to remain anonymous). He stated that there is no height limit in Hackensack. He was advised to ask questions and no statements. He tried to ask a question in reference to COAH. Mr. Bernard stated he was not sure of the question. Mr. Bernard gave him the code regulations.

Mr. Shiamanowitz questioned if the notice was also sent to the Hackensack Meadowlands Commission. Mr. Giblin stated it was and also the BCUA. He stated that one thing that is important to his client is that there have been many references in the affordable housing documents, master plan documents and fair share plan, ordinances to the 2003 reexamination report and it was amended by the 2004 amendment to the reexamination report so whatever action this board takes on what they are doing tonight and in the future they respectfully request that the 2004 document be respected in all resolutions and documents and because it was something that Mr. Nuckel fought for and it is very important to protect his properties.

Mr. Giblin stated that the resolution was prepared and if the Board adopts it tonight it does reflect that it's the 2003 reexamination report which shall be deemed to include and be amended by the 2004 amendment.

Mr. Shiamanowitz stated that what is shocking is that they are putting together an affordable housing plan (inaudible) the 110 Bergen Turnpike site. There is nothing in the plan that shows a concept drawing for what is being proposed on that site. He questioned if a plan has been presented to this board, what are they getting on the site. He did not know how they could approve a housing element fair share plan and rely most entirely the share plan on this site and not have any idea on what is going on this site. That is a deficiency and its reason alone not to adopt a plan. He would like the board to identify a plan if there is one.

Mr. Giblin stated that no application has been made to this board concerning that site with regard to anything that would be permitted under the overlay zone because the overlay zone frankly doesn't exist yet.

Mr. Shiamanowitz asked if the board considered a concept plan. Mr. Giblin stated no it has not considered a concept plan.

Mr. Shiamanowitz asked if the rezoning what is part of this process 110 Bergen, the housing element the fair share plan the potential housing units that was all done based on without seeing any land plan for this site.

Mr. Giblin stated no it is not correct it was done by the Borough's planner who has seen a concept plan. Mr. Shiamanowitz stated plans do exist. Mr. Giblin stated he believes so

and he thinks that planner has seen them he can't be sure of it and it has been a very long process. Mr. Shiamanowitz stated he has made repeated requests for those plans and it is very difficult to analyze our plan without having the concept plans for that site. He felt it was not right that they were not being shared with the public.

Mr. Donald Nuckel residing at 10 River Street apt. 176. Mr. Nuckel was sworn in. He stated that he is here tonight to give to the board the option he will create a market to affordable program on 6 to eight units. Half would be low income and the other half would be moderate income. That would be North Village I and II as long as the site is being conclusionary and they also have no redevelopment designation on the property. He would do this immediately. The units exist, they are certified. He can do it and do it now. He will specifically try and reach out to the U.S. Veterans. He stated in the intent of the zoning of garden apartments in Little Ferry, the customary needs on affordable of low and moderate income people for seniors, for families that need it. You have over 2300 multi units in the town. Many are rental apartments. They are not deed restricted. I would deed restrict those 6 to 8 units to meet the requirements of COAH and get the county credit for all of them. He stated that he spoke with Mr. Monaghan if the town has asked any of the other property owners if they would help out. No one asked them. With that he stands ready to work with them to make these market to affordable units happen. He can do it; his units exist and he will do it.

Chairman Olivelli opened questions to the board. Chairman Olivelli opened questions to the general public.

Lenny of Hackensack questioned Mr. Nuckel if he had any problems with the DEP in Hackensack River walkway at the units that he is offering to the town as affordable housing. He questioned the wall Mr. Nuckel built. He stated that he called the DEP and complained about it for years. He stated that he knows for a fact that Mr. Nuckel is in violation with the DEP. Mr. Nuckel stated he did not know what he was referring to. Lenny asked if Mr. Nuckel was familiar with the Hackensack River Walkway Development Act. Mr. Nuckel stated no. Mr. Giblin advised him that questions should be relevant to the housing element and fair share plan. Lenny questioned how it would work out for the Vets? Mr. Nuckel stated he did not know.

Shiamanowitz stated for the reasons that he gave by presentation he urgently states not to adopt the fair share plan and thank you.

Chairman Olivelli opened questions to the board members. Chairman Olivelli opened questions to the public.

Lenny of Hackensack was sworn in. He stated he is having a big problem with the Hackensack River Development. He spoke on a flowerbed, the wall that was built illegally, the walkway. Mr. Giblin advised him to speak on the housing element and fair share plan only. Lenny asked if this was in the NJMC jurisdiction. Mr. Giblin stated no. There are no plans for the 110 Bergen Turnpike property.

Chairman Olivelli opened questions and comments for anyone else. No one approached. Closed to the general public & board members.

Mr. Soojian felt that the planner should have been at the meeting. Mr. Giblin stated that the housing element and fair share plan was created by Ms. McKenzie, it's been reviewed by Ms. McKenzie as well as the court appointed Master, it will be reviewed by the Judge as well in the pending litigation. Mr. Gerard questioned if Ms. McKenzie will rebut what from the testimony of this evening. Mr. Avillo questioned if there was a time table on this resolution. Giblin stated that it does have to be adopted by a certain date to keep it on schedule for what the court has ordered. He feels that most of these concerns have been raised to Ms. McKenzie and some have been incorporated into the resolution.

Chairman Olivelli entertained a motion to accept or deny the resolution. Motion was made by Mr. Carrion to approve the resolution, second by Mr. Anzalone. Roll Call: Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Soojian, Abstained-Mr. Avillo, Abstained-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

Mr. Giblin stated he would forward a letter to Ms. McKenzie, Mr. Monaghan and the Mayor & Council.

**ADJOURNMENT:** Chairman Olivelli entertained a motion to close the meeting. All Ayes.

**AGENDA  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
MAY 18, 2011**

**MEETING START:**

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

**This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.**

**ROLL CALL:**

**APPROVAL OF MINUTES:**

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

Property Owner: Kenneth Scheeler 2011-1-1-P-1  
Applicant: Under 70 Auto Sales, Inc.  
185 Route 46 East  
Block 18, Lot 39  
Informal Site Plan Application. Used car dealership.

Property Owner: Jetstar Realty 2011-3-1-P-3  
Applicant: June Powers  
209-211 Main Street  
Block 39, Lot 48.02  
Informal Site Plan Application. Food preparation & ship meals to clients.

Property Owner: Mr. & Mrs. Ptak 2011-4-1-Z-5  
1 Gertz Ave.  
Block 99.03, Lot 18  
Zoning Application: Add dormers to expand the area of the top floor.

**CORRESPONDENCE:**

Date: April 15, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: April 28, 2011. From: Ronald A. Dario, Esq. Re: 11 Monnett Street.

Date: May 2, 2011. From: Job & Job Engineering. Re: 15 Monnett Street.

Date: May 2, 2011. From: Job & Job Engineering. Re: 15 Monnett Street.

Date: May 4, 2011. From: Job & Job Engineering. Re: 24 Main Street, LLC.

Date: May 6, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: May 6, 2011. From: Job & Job Engineering. Re: 28 Lamker Ct.

Date: May 6, 2011. From: Job & Job Engineering. Re: Royale Realty.

Date: May 2011. From: Rutgers. Re: Continuing Studies.

Date: May 9, 2011. From: James Cirillo. Re: Letter of Resignation from Planning/Zoning Board.

Date: May 10, 2011. From: Job & Job Engineering. Re: Pollo Tropical.

Date: May 11, 2011. From: Job & Job Engineering. Re: Pollo Tropical.

Date: May 11, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: May 11, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: May 16, 2011. From: Job & Job Engineering. Re: Pollo Tropical.

Date: May 16, 2011. From: Gibbons. Re: Amended Site Plan Application-Pollo Tropical.

Date: May 17, 2011. From: Job & Job Engineering. Re: 28 Lamker Court.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03  
Zoning Application: Expanded pavers around pool and walkway without permits.  
Applicant requested adjournment. No new date has been requested. Borough Planner  
has requested June 15<sup>th</sup>.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24  
Planning Application: Remand Hearing.  
Applicant requested adjournment to the June 22, 2011 meeting.

Property Owner: Mrs. Jody Pasqua 2010-2-1-Z-1  
28 Lamker Ct.  
Block 106.03, Lot 2  
Zoning Application: Zoning appeal of the decision of the zoning officer & for variances  
set forth in the application.  
Applicant requested adjournment. Applicant requested to be carried to May 25<sup>th</sup> meeting.  
Borough Planner has requested June 15<sup>th</sup>.

Property Owner: Hye Jong Lee 2011-5-1-P-6  
Tenant: Soyoung Kim  
133 Liberty Street  
Block 64, Lot 10  
Informal Site Plan Application: Vacant (was car service); alterations & dry cleaning,  
send out only.

Property Owner: Chin N. & R Trustee C/O Carrols Corp. 2011-5-2-Z-7  
Tenant: Pollo Tropical Restaurant/Pollo Operations, Inc.  
146 Route 46 East  
Block 20.01, Lot 39  
Zoning Application: Condemnation of DOT taking of property frontage.

**ADJOURNMENT:**

**MINUTES  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
MAY 18, 2011**

**MEETING START:**           7:35 pm

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

**This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.**

**ROLL CALL:**

Members Present:

Richard Bolan  
Ronald Anzalone  
William Lenihan  
George Carrion  
Marty Loesner  
Alan Soojian  
Chairman Joseph Olivelli  
James Avillo

Members Absent:

Steven Gerard  
AJ Joshi  
Anthony DiBlasio

Also Present:

Board Attorney, Brian T, Giblin  
Board Clerk, Susan Gerber

**APPROVAL OF MINUTES:**  
minutes as written. All Ayes.

Motion was made by the Chairman to approve the

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

Property Owner: Kenneth Scheeler  
Applicant: Under 70 Auto Sales, Inc.  
185 Route 46 East  
Block 18, Lot 39

2011-1-1-P-1

Informal Site Plan Application. Used car dealership.

Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading of the resolution was made by Mr. Anzalone, Second by Mr. Carrion.

Roll Call: Mr. Anzalone, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

Property Owner: Jetstar Realty  
Applicant: June Powers  
209-211 Main Street  
Block 39, Lot 48.02

2011-3-1-P-3

Informal Site Plan Application. Food preparation & ship meals to clients.

Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading of the resolution was made by Mr. Soojian, second by Mr. Anzalone,

Roll Call: Mr. Anzalone, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

Property Owner: Mr. & Mrs. Ptak  
1 Gertz Ave.  
Block 99.03, Lot 18

2011-4-1-Z-5

Zoning Application: Add dormers to expand the area of the top floor.

Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading of the resolution was made by Mr. Soojian, second by Mr. Lenihan.

Roll Call: Mr. Bolan, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

**CORRESPONDENCE:**

Date: April 15, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: April 28, 2011. From: Ronald A. Dario, Esq. Re: 11 Monnett Street.

Date: May 2, 2011. From: Job & Job Engineering. Re: 15 Monnett Street.

Date: May 4, 2011. From: Job & Job Engineering. Re: 24 Main Street, LLC.

Date: May 6, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: May 6, 2011. From: Job & Job Engineering. Re: 28 Lamker Ct.

Date: May 6, 2011. From: Job & Job Engineering. Re: Royale Realty.

Date: May 2011. From: Rutgers, Re: Continuing Studies.

Date: May 9, 2011. From: James Cirillo. Re: Letter of Resignation from the Planning/Zoning Board.

Date: May 10, 2011. From: Job & Job Engineering, Re: Pollo Tropical.

Date: May 11, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: May 16, 2011. From: Job & Job Engineering. Re: Pollo Tropical.

Date: May 16, 2011. From: Gibbons, Re: Amended Site Plan Application-Pollo Tropical.

Date: May 17, 2011. From: Job & Job Engineering. Re: 28 Lamker Ct.

Chairman Olivelli entertained a motion to have nominations from the floor for Vice-Chairman. Mr. Soojian nominated Mr. DiBlasio, second by Mr. Carrion; Mr. Lenihan nominated Mr. Gerard, second by Mr. Olivelli. Chairman Olivelli: for Mr. DiBlasio roll call: Mr. Bolan, no-Mr. Anzalone, Abstained-Mr. Lenihan, no-Mr. Carrion, yes-Mr. Loesner, Abstained-Mr. Soojian, yes-Chairman Olivelli, Abstained-Mr. Avillo, Abstained. Chairman Olivelli: roll call for Mr. Gerard: Mr. Bolan, yes-Mr. Anzalone, Abstained-Mr. Lenihan, yes-Mr. Carrion, no-Mr. Loesner, Abstained-Mr. Soojian, Abstained-Chairman Olivelli, yes-Mr. Avillo-Abstained.

Congratulations Steven!

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael 2009-12-3-Z-24

Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03

Zoning Application: Expanded pavers around pool and walkway without permits.

The application has been carried to the June 15<sup>th</sup> meeting date.

Applicant: Royale Realty 2006-1-2-P-2 R (Remand)

273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24

Planning Application: Remand Hearing.

The application has been carried to the June 15, meeting date.

Property Owner: Mrs. Jody Pasqua  
28 Lamker Ct.

2010-2-1-Z-1

Block 106.03, Lot 2

Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.

The application has been carried to the June 15<sup>th</sup> meeting date.

Property Owner: Hye Jong Lee

2011-5-1-P-6

Tenant: Soyoung Kim

133 Liberty Street

Block 64, Lot 10

Informal Site Plan Application: Vacant (was car service); alterations & dry cleaning send out only.

Mrs. Lee was sworn in. She would like to have an alteration shop and it would be an exactly drop off. It would be just her and her husband working. They do not have any machines, they do not use any chemicals, and they do not have a pick up or delivery truck. There is parking in the rear and in front of the store. They would open from 7am to 7 pm Monday to Friday, and will be open from 8 am to 6 pm on Saturday and Sunday will be closed. They will keep it clean. Chairman Olivelli asked about parking. Ms. Lee stated that there are 2 spaces in front of the store and they also have 8 spaces in the rear. Mr. Anzalone felt the parking in the rear would be beneficial. She will have a small banner and Mr. Anzalone stated that there is an ordinance for window coverage. Mr. Carrion suggested making sure that her customers know to park in the rear of the building. Mr. Bolan questioned the drop off dry cleaning. Ms. Lee stated that there is another store in Hackensack. She will drop them off. She has an SUV to use for drop-off. There would be no dry cleaning on site, no laundry on site. She would be willing to put up a sign for her customers to park in the rear. Chairman Olivelli opened questions to the general public. No one approached. Closed to the public. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve the application was made by Mr. Lenihan, second by Mr. Bolan. Roll Call: Mr. Bolan, yes-Mr. Anzalone, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Chairman Olivelli, yes.

Property Owner: Chin N. & R Trustee C/O Carrols Corp.

2011-5-2-Z-7

Tenant: Pollo Tropical Restaurant/Pollo Operations, Inc.

146 Route 46 East

Block 20.01, Lot 39

Zoning Application: Condemnation of DOT taking of property frontage.

Mr. Jason Tuval attorney for the applicant. They are here for an amended preliminary and final site plan approval also for variances they are here for a higher power the NJ DOT for a road widening project. The amended site plan project will require a taking of a portion of the frontage and also the reconfiguration of the parking lot on the westerly side of the building. The parking cap will not change. The building will not be changing; the use or operations will not be changing. A landscaping issue has been rectified. They will stipulate to all of Mr. Jobs comments in his report.

Mr. Eric Keller is a licensed engineer/planner he was sworn in and accepted. He stated that the site is in the BH Zone, it fronts on Rt. 46. There is an in and out drive way on Rt. 46 and on Frederick Street. There are 40 parking spaces. The DOT is taking about 8 ½ feet and what it does is increase the number of the bulk requirements. Mr. Keller discussed all of the required variances. He stated that there is more than adequate landscaping on this property and some of the plantings will be moved and replaced. He discussed the free standing sign that needs to be moved back about 10'. All of the variances necessitated are created by the NJ DOT taking. The site circulation has been modified and he feels that it is safe and there are no issues to this circulation. He felt this was a good design that accommodates the States needs and still provides what is necessary on this site. Chairman Olivelli opened questions to the board members. Mr. Lenihan stated that they are not too keen on landscaping and they have not kept up on it. Mr. Tuval stated that it was addressed and if they want a condition in the resolution they may do so. Mr. Avillo questioned if the right-of-way has been acquired? Mr. Tuval stated that he believes it is still in the process of being acquired. Mr. Avillo then questioned the plans were not to be used for construction and would like a final design. Mr. Keller stated that the note on the plan does not come off until they are done and the contractors would need to ask for a final set. Mr. Tuval stated that the plans are conditioned on the DOT approval and final plans would be submitted to the building department. Mr. Giblin stated that the board would be signing off on the final plans. Mr. Avillo questioned the retaining wall. Mr. Keller stated that the state made a choice to put up the wall. Mr. Bolan stated that he remembers the testimony from the last application for the landscaping. He explained that the town should not be required to enforce the remedy. It is the applicant who made representation that the property is going to be maintained. It has been an ongoing occurrence. Mr. Bolan questioned the free standing sign. Mr. Keller stated that it is being removed. Mr. Bolan stated that once you remove that sign you lose those non-conformities so they would need a variance for the new erected sign. Mr. Tuval stated that it would be put on the testimony as a C-1 variance and it was noticed. Mr. Keller stated that the free standing sign would be moved back 10'. The lighting would not be impacted to the residential areas as it is in front of the building. Mr. Carrion questioned if the sidewalks would be the same width. Mr. Keller stated that the sidewalks along the frontage will be the same width but moved back. Some of the sidewalk will be replaced. Mr. Anzalone stated he had the same concerns with the landscaping. He also mentioned that when Callahan's was there the sprinkler system kept it well irrigated in the summer. Mr. Keller stated that Mr. Job asked for an updated survey of the property. Mr. Keller stated that the taking has not been final and they would like to have the updated as built boundary survey done after the right of way is completed and also when the construction is completed. Chairman Olivelli stated that Mr. Tuval should get in contact with Mr. Job to see if that is satisfactory. Mr. Keller stated the state would be responsible for the maintenance of the retaining wall and there are easements associated with it. Chairman Olivelli opened questions to the general public for this witness.

Mrs. Marzuchowski: stated that there are parking spots that are being rented out and is that legal? Mr. Tuval asked if it were over night. She stated that the sprinkler system has not been on in 3 years. The trees are not maintained; there is trash constantly all over; the

grass needs to be cut; parts that they do cut is just left without cleaning up; there are large customer trucks that do not park in the lot and park on the street and block her driveway. Ms. Jean Bonomo. The parking of the big trucks is outrageous.

Mr. Tom Brogan was sworn in as the director of real estate for the NE division. He was not here at the last application. Chairman Olivelli stated that he lives close by and he does have a concern with the upkeep of the property. The grass is high and he had to call to have it cut. He is concerned that Pollo does not take care of the issue and need to be addressed. Mr. Brogan agreed he will also check into the sprinkler system and see if it is operational. Mr. Anzalone stated that the landscaping is not well maintained. Mr. Tuval stated that he would check into the sprinkler system and would provide the board with a copy of their sprinkler schedule and their landscaping schedule. Mr. Bolan stated to have a condition in the resolution that if the landscaper does not maintain the property that the Borough would request additional visits from the landscaper. Mr. Giblin stated that he suggests that they be obligated to submit into a developer's agreement for 2 years to maintain the landscaping that is installed. Mr. Tuval did not agree with the developer's agreement as they are here for the DOT. Mr. Bolan stated that he wants to make sure the property is maintained. Mr. Carrion questioned the process of the landscaping concerns. Mr. Brogan stated that these concerns should be addressed. Mr. Carrion was concerned with the sprinkler system and if it does not work was it looked at from the engineer. Mr. Keller stated that the DOT is obligated to move the irrigation. Mr. Brogan will correct the matter on communication. Chairman Olivelli opened questions to the general public for this witness.

Ms. Jean Marzuchowski: they were told that the drive-thru would be closed at 11 pm. The drive-thru is still open at 1:00 am and is very loud. Mr. Brogan stated he thinks its 10 am to 12 am. Ms. Marzuchowski: the garbage pick-up is coming at 4:00 am to 5:00 am. This is way too early. She wants to know the times. The ventilation cleaning is at 7:00 am on a Saturday morning. Their bedroom is right near there. Mr. Brogan thinks it is 10am to 12 am. He did not know the trash pickup time. And he was not aware of the 7am ventilation cleaning.

Ms. Jean Bonomo: the trucks parking on the street have become a safety issue. They are both delivery trucks and customer trucks. There are kids in the area and it's very dangerous and it's a blind spot. Mr. Tuval stated that Pollo has no control over where the customers park on the street. Chairman Olivelli stated to call the party rental business and explain the dangerous situation of the trucks parking in the street. Ms. Bonomo stated she would do that. She wants to know if they could put a no left hand turn there. Chairman Olivelli stated he did not think they could do that. Ms. Bonomo stated that Pollo has plowed their snow on her property. Mr. Brogan stated he would have to discuss it with their vendor. Mr. Carrion questioned if Pollo had a sign for people who park their cars and if they do so it would be towed. Mr. Brogan stated he was not leasing spots to anyone. Mr. Carrion stated to have a sign placed stating cars would be towed at the owner's expense.

Ms. Brown: she would like someone to clean up the parking lot. Mr. Brogan stated that someone was to go out and clean the parking lot on a regular basis during the day. Mr. Loesner stated that Pollo needs to address the managers and get them on board with the maintenance issues.

Mr. Marzuchowski: he stated that the delivery truck backs in and goes onto the neighbor's property. They do call the police for the noise ordinance. He stated that the store manager should know the noise ordinance. Mr. Brogan stated he would look into this matter. Mr. Carrion stated he thinks the trucks should be turning in from Route 46. Mr. Tuval stated that Mr. Brogan is going to get in touch with the delivery person(s) to not back in from Frederick Street.

Ms. Brown: wanted to know if they could make one parking lot for trucks and one for the cars. Chairman Olivelli stated that he did not think the trucks would fit on the west bound side and would have to park on the other side. Ms. Brown stated that cars hardly ever park on the east bound side. Chairman Olivelli stated that if the trucks are not more than 25' from the corner then they could be ticketed by the police department. Mr. Tuval asked if there were a developer's agreement and a maintenance bond that would be in respect to the landscaping maintenance problem. Mr. Giblin stated if that was what the board wanted. The conditions would be: there would be no overnight parking in the lot and if vehicles are left overnight they are subject to being towed, plus Mr. Job's conditions and the landscaping would be repaired and replaced to what is needed, determination if there is a sprinkler system and activate it. Chairman Olivelli asked the boards feelings on the developer's agreement. Mr. Bolan stated it is worthwhile, Mr. Avillo asked if this were preliminary and final site plan. Mr. Giblin stated yes. Mr. Avillo stated yes the developer's agreement would be appropriate. Mr. Lenihan agreed to the developers agreement, Mr. Loesner agreed to the developers agreement, Mr. Soojian agreed to the developers agreement, Mr. Carrion agreed to the developers agreement, Mr. Anzalone agreed to the developers agreement. The two engineers would determine the fee of the bond. Mr. Bolan asked if they were going to accept the modified survey. Mr. Tuval stated that they would like to do it as few times as possible and would update the survey that they have and then the boundary survey would be done after the DOT and the onsite improvements are completed. The board agreed with it. Mr. Tuval summed up that they justified all the variance relief, this is the DOT jurisdiction, they will do their best to accommodate and address the public concerns with respect to landscaping and overall property maintenance. He asks the board to approve the application. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve the application was made by Mr. Soojain, second by Mr. Loesner. Roll Call: Mr. Bolan, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes-Chairman Olivelli, yes.

Chairman Olivelli stated that two of the applicants rescheduling again. He would like to send Mr. Bolan there to one of the properties to start issuing citations. Mr. Bolan stated if they are before the board we cannot take action. If they dismiss it without prejudice or have no appeal before the board then we can issue them a summons for failure to meet a conditional resolution. Mr. Giblin advised them not to talk about the site but if they wanted to send them a letter and they are not here next month the board is going to dismiss it and property maintenance is going to go out and start issuing violations.

Chairman Olivelli stated that he spoke with Mr. Job about the 15 Monnett Street property and they put up a fence 25' over the property line. He still didn't take up the pavers.

Mr. Loesner stated that the board should be more consistent on the guidance with the applicants. Mr. Bolan stated the property winds up with an elevation is that unless you could determine what the originality was you don't get to have the dispensation just because what it is today, especially since everything in Little Ferry is in a flood zone. So unless he could represent that it was legal at some point in time unfortunately he bought the property. The elevation could only be determined by an engineer. Mr. Giblin stated that you would only get an elevation certificate for the improvements not the property, if it floods that is fine, they want to know how high the house is.

**ADJOURNMENT:** 9:35 pm.

**AGENDA  
REGULAR MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
JUNE 15, 2011**

**MEETING START:**

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.

**ROLL CALL:**

**APPROVAL OF MINUTES:** May 18, 2011.

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

Property Owner: Hye Jong Lee 2011-5-1-P-6  
Tenant: Soyoung Kim  
133 Liberty Street  
Block 64, Lot 10  
Informal Site Plan Application: Vacant (was car service); alterations & dry cleaning,  
send out only.

Property Owner: Chin N. & R Trustee C/O Carrols Corp. 2011-5-2-Z-7  
Tenant: Pollo Tropical Restaurant/Pollo Operations, Inc.  
146 Route 46 East  
Block 20.01, Lot 39  
Zoning Application: Condemnation of DOT taking of property frontage.

**CORRESPONDENCE:**

Date: May 11, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: May 17, 2011. From: Job & Job Engineering. Re: 28 Lamker Ct.

Date: May 18, 2011. From: Job & Job Engineering. Re: Lincoln Street  
Subdivision/Treatment Works approval (Sewer Extension) Permit Application.

Date: May 17, 2011. From: Mayor & Council. Re: Acceptance of Resignation-James  
Cirillo-Planning/Zoning Board Class 4 Member.

Date: May 17, 2011. From: Mayor & Council. Re: Amending Resolution No. 142 &  
Confirming Agreement with Nirali Corp regarding acquisition of property via deed and  
easement at 213 Washington Avenue for installation of a traffic signal at intersection of  
Liberty St and Washington Ave.

Date: May 24, 2011. From: PLZB Clerk to Ms. Morales of 15 Monnett St, requesting  
her attendance at the next scheduled meeting.

Date: June 7, 2011. From: State of NJ Dept. of Environmental Protection. Re: Soil  
permit IV Realty, 101 Industrial Avenue.

Date: June 15, 2011. From: Job & Job Engineering. Re: 15 Monnett Street.

Date: June 15, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: June 15, 2011. From: Job & Job Engineering. Re: 15 Monnett Street.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael

2009-12-3-Z-24

Applicant: Galas, Edward

85 Columbus Ave

Block 92, Lot 17.03

Zoning Application: Expanded pavers around pool and walkway without permits.

Applicant: Royale Realty

2006-1-2-P-2 R (Remand)

273, 277 & 281 Main Street

Block 38, Lot(s) 22, 23 & 24

Planning Application: Remand Hearing.

Property Owner: Mrs. Jody Pasqua  
28 Lamker Ct.  
Block 106.03, Lot 2

2010-2-1-Z-1

Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.

Property Owner: McGrath-Molino, Paul & Bethann  
67 Prospect Avenue  
Block 99.02, Lot 10

2011-6-1-Z-8

Zoning Application: Erect a 12' x 24' above-ground pool.

**ADJOURNMENT:**

**MINUTES  
OF THE LITTLE FERRY  
JOINED PLANNING/ZONING BOARD  
REGULAR MEETING HELD ON  
JUNE 15, 2011**

**MEETING START:**           7:35 pm.

**CALL TO ORDER-FLAG SALUTE:**

**OPENING STATEMENT:**

**This is a regularly scheduled meeting of the Planning/Zoning Board of the Borough of Little Ferry, New Jersey and notice has been provided pursuant to the Open Public Meeting Act by mailing notices to the Bergen Record and Star Ledger and the Press Journal, by posting notice in the Municipal Building and by filing a copy of such notice with the Borough Clerk of the Borough of Little Ferry. The notice contained the date, time and place of such meeting.**

**ROLL CALL:**

Members Present:                   Steven Gerard  
  Ronald Anzalone  
  AJ Joshi  
  Anthony DiBlasio  
  George Carrion  
  Marty Loesner  
  Alan Soojian  
  Chairman Joseph Olivelli

Members Absent:                   Richard Bolan  
  William Lenihan  
  James Avillo

Also Present:                       Board Attorney, Brian T. Giblin  
  Board Clerk, Susan Gerber

**APPROVAL OF MINUTES:**       May 18, 2011. Chairman Olivelli entertained a motion to approve the May 18, 2011 minutes as written. Motion to accept the minute was made by Mr. Soojian, second by Mr. Loesner. All Ayes.

**APPROVAL OF DENIAL OF RESOLUTIONS:**

**APPROVAL OF RESOLUTIONS:**

Property Owner: Hye Jong Lee

2011-5-1-P-6

Tenant: Soyoung Kim

133 Liberty Street

Block 64, Lot 10

Informal Site Plan Application: Vacant (was car service); alterations & dry cleaning send out only.

Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading was made by Mr. Soojian, second by Mr. DiBlasio. Roll Call: Mr. Anzalone, yes-Mr. Soojian, yes-Mr. Carrion, yes-Mr. Loesner, yes-Chairman Olivelli, yes.

Property Owner: Chin N. & R Trustee C/O Carrols Corp.

2011-5-2-Z-7

Tenant: Pollo Tropical Restaurant/Pollo Operations, Inc.

146 Route 46 East

Block 20.01, Lot 39

Zoning Application: Condemnation of DOT taking of property frontage.

Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading was made by Mr. Gerard, second by Mr. Loesner. Roll Call: Mr. Soojian, yes-Mr. Carrion, yes-Mr. Loesner, yes-Chairman Olivelli, yes.

Chairman Olivelli stated he has been in contact with the gentleman that was here who was in charge of operations about 10 times and he is going to get the signs up for the overnight parking, they are contracted with a different company, there are no sprinklers on the property and he also spoke with the Police Chief and he is going to speak with Mr. Holley and get the curb painted, that will solve the problem of the big trucks being there.

**CORRESPONDENCE:**

Date: May 11, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: May 17, 2011. From: Job & Job Engineering. Re: 28 Lamker Ct.

Date: May 18, 2011. From: Job & Job Engineering. Re: Lincoln Street Subdivision/Treatment Works approval (Sewer Extension) Permit Application.

Date: May 17, 2011. From: Mayor & Council. Re: Acceptance of Resignation-James Cirillo-Planning/Zoning Board Class 4 Member.

Date: May 17, 2011. From: Mayor & Council. Re: Amending Resolution No. 142 & Confirming Agreement with Nirali Corp regarding acquisition of property via deed and easement at 213 Washington Avenue for installation of a traffic signal at intersection of Liberty St and Washington Ave.

Date: May 24, 2011. From: PLZB Clerk to Ms. Morales of 15 Monnett St, requesting her attendance at the next scheduled meeting.

Date: June 7, 2011. From: State of NJ Dept. of Environmental Protection. Re: Soil permits IV Realty, 101 Industrial Avenue.

Date: June 15, 2011. From: Job & Job Engineering. Re: 15 Monnett Street.

Date: June 15, 2011. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: June 15, 2011. From: Job & Job Engineering. Re: 15 Monnett Street.

Chairman Olivelli congratulated the boards new Vice-Chairman, Mr. Steven Gerard.

**HEARING OF NEW CASES/APPLICANTS:**

Property Owner: Hlavaty, Michael  
Applicant: Galas, Edward  
85 Columbus Ave  
Block 92, Lot 17.03

2009-12-3-Z-24

Zoning Application: Expanded pavers around pool and walkway without permits. Attorney Mr. McCann stated he was here on behalf of his Mr. Hlavaty. Mr. McCann stated that they have complied with everything that they represented of the filing. He received correspondence from Mr. Job who continues to indicate that representation has been made that the property would be returned to the condition that it was in at the time that Mr. Hlavaty purchased the property. That was never the representation because Mr. Hlavaty received a permit to install some pavers around the property in 2008. Unfortunately he extended or when beyond the permitted application and that was the basis for this whole application that we originally filed to increase the impervious coverage. However to the extent that the pavers exceeded the permitted application and the application for which a permit was issued all of those pavers were removed and the property and the wall the rocks placed along the perimeter under the fence two sides of the property, those were all removed too. The property is now in the condition that they represented that it would returned to. They did have the permit to do those extra pavers which were beyond the condition that the property was in after Mr. Hlavaty purchased it. Chairman Olivelli stated he was confused and it was his understanding that the property owner would bring the property back to the conditions at which time he purchased the property and any permits that he did have for the work would be fine for that additional work but apparently according to Mr. Job that is not the case. Mr. McCann stated that Mr. Job keeps indicating that the representation was that the property would be returned to the condition that it was in at the time of purchase which was late 2007 and that was not the representation. The representation was that they would return it to the conditions it should have been with the addition of the permitted pavers and that is the condition that it is presently.

Chairman Olivelli stated that he spoke with the building inspector and someone wrote a letter about the wall that is impeding on the drainage in the back and needs to be removed and put back to the slopes so it can drain into the drain.

Mr. McCann stated there is an inlet back there in the easement and there is nothing impeding that he could see that impeded the water flow.

Chairman Olivelli questioned if the wall behind the pool was taken down.

Mr. McCann stated that there is at present a timber retaining area that is about 2' high but that had been there for who knows how long.

Chairman Olivelli stated that when he spoke with Mr. Job the timbers were less than 10 years old.

Mr. McCann stated that there was a misunderstanding because in Mr. Job's letter he continually refers to restoring the property to the condition in which it was at the time of Mr. Hlavaty's acquisition. But that was not the case because they had a permit to install the additional pavers for the walkway and that has been done. All the extensive pavers which were around the pool area by the decking have been removed.

Mr. DiBlasio stated that he believes it was to do just what he has done to return it to remove the excess pavers and work that was not permitted to return it back to what he was permitted to do. That is his recollection. The pictures look like it is back to what he was allowed to do. He doesn't recall every hearing that they wanted him to take everything out. It may be possible but he doesn't recall. He does recall the applicant to remove the excess of the permit. This is what he recalls them having to do.

Mr. Loesner stated that is what he also recalls from what he heard at the other meetings.

Mr. Gerard stated that is what he thought too.

Mr. Soojian stated he thought Mr. Job was talking about restoring it back to the survey the topographical survey of which was already changed when the person bought the house. So it was already there when he bought it. Now Mr. Job is asking him to put it back to the last survey which was from the very beginning. There were so many owners who previously changed everything and he inherited those changes. All these other owners when the pool was put in changed all that. He remembers when Mr. Cirillo lived there he had been in the rear yard a few times and there was all those rocks around the fence. That was all done even when Mr. Cirillo bought it. It goes back to many owners. The shed was also there.

Mr. Joshi stated that he has not been to all of the meetings the letter ---.

Mr. Carrion stated that Mr. Job was talking about the fencing that preceded Mr. Cirillo and goes back to 30 or 40 years with the slope and the fencing and this gentleman had no knowledge of.

Mr. Anzalone spoke as from the public: He stated that it sums it up and he respects what Alan said that he thinks they did what they were asked to do as far as removing the excess pavers he didn't think they could hold him responsible for something that was done previously and they didn't own the house. He felt they fulfilled their obligation.

Chairman Olivelli opened questions/comments to the general public for this application. No one approached.

Mr. McCann stated that did what they were to do and tried to comply with the requests of the board but he does acknowledge that his client exceeded the original permit once he saw that and was advised that he had to come in for an application to exceed the permitted impervious coverage he realized that was something that really was not

inclined to be granted and wished to withdraw his application and take the extensive product off the property and restore it to the condition it should have been.

Chairman Olivelli entertained a motion to approve the withdrawal of the application. Motion to approve the withdrawal of the application was made by Mr. Soojian, second by Mr. Loesner. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. Carrion, yes-Mr. Loesner, yes.

Applicant: Royale Realty  
273, 277 & 281 Main Street  
Block 38, Lot(s) 22, 23 & 24

2006-1-2-P-2 R (Remand)

Planning Application: Remand Hearing.

This application has been carried to the July 20, 2011 meeting.

Property Owner: Mrs. Jody Pasqua  
28 Lamker Ct.

2010-2-1-Z-1

Block 106.03, Lot 2

Zoning Application: Zoning appeal of the decision of the zoning officer & for variances set forth in the application.

This application has been carried to the July 20, 2011 meeting.

Property Owner: McGrath-Molino, Paul & Bethann  
67 Prospect Avenue

2011-6-1-Z-8

Block 99.02, Lot 10

Zoning Application: Erect a 12' x 24' above-ground pool.

Mr. McGrath was sworn in. He stated that he needs a pool setback variance. He gave the size of the pool and height. Mr. DiBlasio questioned the deck height off the ground. Mr. McGrath stated it was 6' off the ground. He has a 4 ½' pool. He did a 10' separation.

Mr. Soojian stated that he would rather see him move the pool back and need a variance for the side yard setback and to keep it away from the deck a little bit more. He was concerned with kids jumping from the deck into the pool.

Chairman Olivelli stated that if he did go back he would be encroaching on the neighbors.

He questioned if the owner had any intentions of connecting the deck to the pool. Mr. McGrath stated none. The stairs are to the side of the deck. The ladder would be to the side or back side. It would be a straight ladder. Chairman Olivelli opened questions to the general public. No one approached. Chairman Olivelli entertained a motion to

approve or deny the application. Motion to approve the application was made by Mr. Gerard, second by Mr. Loesner. Roll Call: Mr. Gerard, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Carrion, yes-Mr. Loesner, yes-Chairman Olivelli, yes.

Chairman Olivelli stated that 15 Monnett was supposed to come this evening. What they did was put their fence 25' over the property line into the easement. He believes it was brought up to the Mayor & Council. Mr. Anzalone stated that it was. Chairman Olivelli stated that Mr. Job and Mr. Bolan told him that in doing so they are going to have to move the flower planter boxes have to be moved. They were to be here this evening and was sent a letter. Mr. Job also sent them a letter. The Planning/Zoning board members suggest that the Borough Attorney Mr. Monaghan needs to send a letter to Mrs. Morales

Mauro D. Raguseo  
*Mayor*

Michael Capabianco  
*Borough Administrator*

Barbara Maldonado  
*Borough Clerk*



George Muller, *Council President*  
Ronald Anzalone, *Councilman*  
Roberta Henriquez, *Councilwoman*  
Thomas Sarlo, *Councilman*  
Sue Schuck, *Councilwoman*  
Peggy Steinhilber, *Councilwoman*

*Borough of Little Ferry*

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**PUBLIC NOTICE  
BOROUGH OF LITTLE FERRY  
COUNTY OF BERGEN  
MEETING CANCELLED  
OF THE PLANNING/ZONING BOARD**

**PLEASE TAKE NOTICE:**

**PUBLIC NOTICE is hereby given that the Little Ferry Planning/Zoning Board has cancelled a Regular Scheduled Meeting for Wednesday, June 22, 2011 due to a lack of a quorum. The next scheduled will be held on Wednesday, July 20, 2011 starting at 7:30 pm or as soon thereafter as the matter may be heard in the Council Chambers, Municipal Building, 215-217 Liberty Street, Little Ferry, at which time formal action may or may not be taken.**

  
\_\_\_\_\_  
Susan Gerber, Board Clerk