MINUTES
REGULAR MEETING
OF THE
LITTLE FERRY JOINED PLANNING/ZONING BOARD
OCTOBER 19, 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 Vice-Chairman Steven Gerard Ronald Anzalone Anthony DiBlasio George Carrion Marty Loesner Alan Soojian Chairman Joseph Olivelli James Avillo
Members Absent:	AJ Joshi William Lenihan
Also Present:	Board Attorney, Mike Gannaio Board Clerk, Susan Gerber Board Engineer, Kenneth G.B. Job Borough Planner, Elizabeth McKenzie

Chairman Olivelli stated that Mr. Lenihan had eye surgery yesterday that is why he is not here.

APPROVAL OF MINUTES: August 17, 2011. Chairman Olivelli entertained a motion to approve the minutes as written. Motion to approve the minutes was made by Mr. Gerard, second by Mr. Bolan. All Ayes.

CORRESPONDENCE:

Date: August 11, 2011. From: State of NJ, Re: Route 46 Main St to Frederick St-Revocation of Access. Block 18, Lot 39.

Date: August 18, 2011. From: State of NJ, Re: Route 46 Main St to Frederick St-Revocation of Egress. Block 9, Lot 1.

Date: August 23, 2011. From: Ira E. Weiner, Esq. Re: 28 Lamker Ct.

Date: August 23, 2011. Re: Letter sent to Hallelujah Bookstore in regards to window coverage.

Date: August 25, 2011. Re: Amended Preliminary and Final Site Plans for Pollo Tropical.

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

Date: September 8, 2011. From: ANJEC, Re: Water Worries Strategies & Solutions, Saturday October 15, 2011 located at Brookdale Community College Lincroft, NJ.

Date: September 26, 2011. From: William's Gas Pipeline-Transco. Re: NJDEP Application submitted by Transcontinental Gas Pipe Line Company, LLC (Transco).

Chairman Olivelli stated that Pollo Tropical seems to be doing what they are supposed to be doing and he is very please with that.

APPROVAL OF DENIAL OF RESOLUTIONS:

APPROVAL OF RESOLUTIONS:

Property Owner: 260 Liberty St, LLC, 2011-7-1-P-9
C/O P. Ham
260 Liberty Street
Block 39, Lot 30
Site Plan Application: Vacant; garden shop.
Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading of the resolution was made by Mr. DiBlasio, second by Mr. Loesner. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

Property Owner: Pagano, Santa 2011-7-2-Z-10
61 Lakeview Avenue
Block 11, Lot 47
Zoning Application: add a canopy over front entrance.
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. Gerard. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

HEARING OF NEW CASES/APPLICANTS:

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.
Hearing adjourned to Wednesday, November 2nd, 2011.

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.
Attorney, Mr. Ira Weiner representing Jody Pasqua.
Chairman Olivelli and Anthony DiBlasio recused themselves from the application.
Steven Gerard, Vice-Chairman.
Mr. Weiner stated that the board is familiar with the application. It has been before the board for a significant amount of time. He took over the file in June. He realized that there were a number of problems that they are all dealing with and he is trying to find a solution. This is an application that was previously granted. She came in got a variance, an approval to install the pool and a shed of some sort, and decking around the pool. The problem is that because mistakes were made by his client, she didn't do it intentionally; she was here without a lawyer, engineer or plan. The plan was hand drawn. The resolution was not as precise as they would have hoped now looking back. Everyone was acting in good faith. Since it is already built that it made sense to come in and amplify

the records with professional testimony based upon what is there. They are not waiving their legal right to contend that provisional approval is good and they don't need this, it makes more sense to try and give the board a kind of testimony they should get. They can move forward and the board can look at it with professionals and make a decision and try and work through it. This is already built. They submitted a brand new survey, they have identified all the areas and they will testify what was there before and what is there now. They believe that they have approval but and are presenting supplemental testimony and ask the board to confirm the prior approval and or amend the approval based upon what was actually constructed on the property based upon the proofs that they are going to submit tonight. Mr. Job questioned the testimony of the last meeting stating that Ms. Pasqua engineer and attorney agreed to revise the previous drainage and he wanted to know if they were changing that. Mr. Weiner stated yes and did not think they needed it.

Mr. William R. (Bill) Gregor was sworn in and accepted as a professional Engineer. He inspected the property and found that the existing site is a preexisting nonconforming structure on a preexisting non conforming lot. The site is in conformance with the surrounding neighborhood. There is adequate on & off drainage as exists today. There are no negative impact on surrounding properties, no negative impact on the neighborhood. This is a very unique situation. There were a number of storms this year and the subject property and neighborhood there was no flooding, no ponding and no problems. The drainage is adequate in the area because there have been no problems. They require approval from the M & C for some issues. The pool is located in a non functional drainage easement; the shed encroaches into the municipal acreage behind the property; and the fence encroaches into the municipal acreage on the property very similar to the other properties located on Lamker Ct. The as built should have been provided to the board before the board voted on it. Now (A-1) it is provided to you with all the pertinent information. Series of photographs were submitted. (A-2 to A-6).

A-2 is a photo of the homes along Lamker Ct. that front on the drainage easement. The easement is 10' wide. The easement exists but is totally non functional. There is a drainage way shown on the drawing which exists on the municipal property and it does function as a drainage easement. They will discuss with the M & C the drainage easement that everyone has built on. At the time it was created it was created to provide drainage for these homes when this acreage behind the property was not municipally owned. No that it is the municipality has total control over it and has a drainage easement that can be a drainage area they can maintain on that property. A portion of the pool, patio & shed encroaches on this drainage easement. (A-3) 12 Lamker Ct. This is a similar property in the neighborhood which have coverage well in excess of the 30% permitted by the ordinance. Primarily because they all have pools. Any place that has an in ground pool violates the 30% coverage. These are properties in the immediate neighborhood surrounding her property. This type of development is not out of character for the area. Mr. Bolan stated that if we are looking at a property that is not conforming now for coverage if we don't know when it was built is it possible that it predated the ordinance. His point here was to show this property with the pool is not out of character with other in the neighborhood with in ground pools. He looked on file and did not find any planning and zoning board approvals for these properties. Mr. Bolan asked if the pools were erected without the benefit of approvals or permits. Mr. Gregor stated he did

not suggest it. (A-4) 4 Jefferson St. It is within a block or two of the property in question. It fronts on Jefferson showing just about the entire rear yard area totally covered by pool & patio. The rear yard is almost 100% covered on this property. (A-5) 19 Jefferson St. This shows the entire rear yard area without exception totally in coverage and the only coverage in the front yard area is a two car driveway and a walkway to the house and a driveway on the side of the house. (A-6) this photo actually covers a number of properties. This is on Columbus Ave. There are 5 properties adjacent to each other with pools. It appears from looking at them goes to most extreme coverage to least extreme coverage of these 5 properties. This is to show the nature of coverage for in-ground pools in town. (Hand out map) site plan was taken off the original survey; zoning info is on the map, what the property looked like before the pool. He overlaid an older survey and you can see how much additional coverage they added to the site from the original conditions. The new fence that was put in was placed in the same exact location of the previous fence. The previous driveway, walkway which didn't change previous patio and deck area this was all preexisting. The small shed was there when they purchased the home. The rear shed that was on the property did not show on any of the old surveys. (Topographic shots) all of the drainage for approximately the location where the old patio stopped and where the new patio began goes to the rear; all of the drainage where the old patio was goes to the front. Any of this new impervious other than the pool which doesn't act as an impervious surface it acts as a detention basin because no water runs off it collects 100%. All the impervious that were added goes to the existing municipal drainage swale behind the property, the shed is 1.1 feet over the property line. As a licensed engineer that the pool, patio and shed have no negative impact to the interest of the borough, the general public or the adjoining neighbors this is reinforced by the significant storm events we've had this horrendous year. Mr. Bolan questioned the separation between the structure and the pool. Mr. Weiner stated it was not identified as it is not part of the zoning code it is the police power. Mr. Bolan questioned the statement of an encroachment not being a negative impact on the surrounding properties. Mr. Gregor stated the encroachment on a large acreage to his opinion has no negative impact on that large acreage property. It has to be resolved. Mr. Bolan disagreed. Mr. Weiner stated that if the town wants it off it will be off. So if they grant them to have it there it is not a substantial detriment to them because they agreed to it. Mr. Bolan questioned the 150 sq. ft of the shed. Mr. Weiner stated it was a 5'x8' extension on the shed. Mr. Bolan stated that 10 Monnett St the board said no on all the coverage. Attorney Gannaio asked how many months is a pool open. Mr. Gregor stated 2 to 3 months. Mr. Gannaio questioned the type of cover that is used. Mr. Gregor stated he did not know the type of cover used. Mr. Gannaio questioned where the person dumps the water for back washing or from a recent hurricane. Mr. Gregor stated he did not know. The covers: if you use a draining cover you do not keep your pool full during the wintertime. You do pump it down a bit. The non impervious covers are flexible they will still hold water, the draining cover the water goes into the pool. Either case you would have a retention system for storm water. Mr. Weiner stated the pool was approved and it's in the ground and has been there and has not caused a problem. Mr. Weiner stated he knows they need a variance and based upon what is constructed there and what the practical effect of the biggest test you could have that there is not a drainage issue anywhere in the area. There is no ponding no flooding no nothing. Mr. Job stated that

Little Ferry is in a tidal drainage area. Our outfalls are all gated and pumped. The only time we experience severe flooding is from a tidal surge with the Hackensack River overtops its banks. It happened once this year and it was Irene. It was no year approaching a 100 year storm. That part of Little Ferry the water levels were approximately 4 ½ to 5 feet above sea level. The 100 year flood is 9 feet above sea level. The storm of record in 1992 is a nor-easter which had a tidal surge of 7.2 feet. If we have that type of storm that area goes under. The non functional drainage easement you are relying on the topo photographs so he feels that Mr. Greggor does not know where they are in the easement or partially in the easement. Mr. Greggor stated that he is confident that the shed is most likely totally in the easement if not at least partially in the easement. Mr. Weiner asked if there were piping. Mr. Job stated that there is no piping. That area that easement when the properties were created by a filed map was intended to be graded and water was supposed to flow through the Pasqua property and out to what is a ditch. Not only are there encroachments within the drainage easement which is supposed to be a swale but it is now a reversed pitch to run north. Mr. Job stated he was not here for the first application. Mr. Job stated that the property was originally owned by the BCUA, it was then given to Little Ferry, and the property can go to someone else if Little Ferry wanted to sell it. The reason the easement was granted was the property owner had proposed a drainage system on their property and they needed an outfall. They approached the council for easement for their outfall pipe. The property has increased the coverage on this property. Mr. Weiner stated to what degree and based upon the resolution. Mr. Job stated the boroughs policy for any property that increases the impervious is to provide storm water management. Mr. Weiner stated that if he goes and checks he bets that they do not have drainage systems. Mr. Job stated the Boroughs policy for impervious coverage. Ms. McKenzie stated that one of the problems with the prior application was that the additional impervious coverage wasn't ever quantified; it was acknowledged that it was over the 30% limit. That was a problem with the application. It was possible that it did receive an engineering review and it's possible because it wasn't quadification and the board was not aware of what the impacts would be. Mr. Weiner said he agreed but that was the prior application. Mr. Job stated he did not know how functional it is as he has not topo'd it or studied it. He does know that it is not functional on Mrs. Pasqua's property and it operates in reverse. Mr. Greggor stated that it was not functional because of the adjacent properties. Mr. Bolan asked if this drainage easement was ever functional. Mr. Job stated that when the subdivision was developed the grading plan had to be followed in order for the construction to take place the standard practice at the time was back into the 50's was that the site improvements including the grading had to be dug at that time Little Ferry did not have much of a drainage system and without grading those swales where would the water go. Ms. McKenzie stated that nothing was shown on the original survey that was submitted in 2008, her reading was it was an expansion of a shed that existed on the side of the house. There is no shed shown on the survey. The driveway was narrower and went directly to the garage and has been since widened. Mr. Weiner stated that she did get approval for the widened driveway in 1993. He was not aware of what the board may or may not have had but many of the board members were aware that it was a double driveway as they have been to the house and he thought that the review by the board went to the property to look at it by staff might have revealed it but apparently it didn't. Ms. McKenzie stated

she was not part of the original review of the application. Ms. McKenzie stated that the overhead deck was not on the plan. Mr. Weiner stated that was done in 1997 with permits and variances. Ms. McKenzie asked if the basis of information that was provided and inaccurate weather it voids the entire prior approval. Mr. Weiner asked even after it is constructed. He is not blaming anyone but she did draw the shed on the survey and if they went to see the property they would have seen the double driveway. The bottom line is she came in with the survey she was concentrating on the pool the board didn't get it and it was a communication error so that is why we have the problem here. Vice-Chairman Gerard stated we need to be concerned on what is there now and the driveway was there before the pool and we have to go with that that is what it was. They need to move on and what are they going to do about it. Ms. McKenzie stated that she is not getting in the way of legitimate consideration of variances that they are asking for now she is suggesting that relying on the fact that improvements were constructed does not necessarily –the applicant with the right to the variance and they do need to be proven and that is where the focus needs to be. Mr. Weiner disagreed. He is trying to submit something new. Mr. Greggor stated that the shed has pool equipment and yard storage.

Board recessed at 8:55 pm.
Board resumed at 9:30 pm.

Mr. Gannaio stated that during the break there was much detailed discussion involving the members of the board and experts to come to an amicable resolution in this matter and no one is pointing fingers and casting blame they are looking for a way to solve a problem. He thinks they do have a resolution. What is involved is relocating the shed and moving it so it is no longer encroaching on another property and moving down as far a practical understanding that there is a pool in the area and also removing portions of the impervious concrete which surrounds the pool. Mr. Job stated what was discussed was sliding the shed in a generally westerly direction as far off the easement as is practical to maintain a safe distance between the steps of the pool and sheds entrance. Removing the southerly projection of the concrete into the drainage easement it's a half circle removing a portion of the concrete that is currently adjacent to the shed to provide or create a uniform 4 foot wide walkway along the easterly side of the pool that would eliminate a significant portion of the impervious material in the easement, it would also mean that the shed is the greatest obstruction to that easement would also be removed as far as possible from within it and from their perspective that would address their concerns it would still be necessary for the applicant to obtain permission from the M & C for the vinyl fence that encroaches on the borough property to remain through an encroachment agreement and it would be necessary for the applicant to submit a plan showing the modifications that they intend to do dimension clearly to delineate what work is going to be done where so they don't get into this situation again. Mr. Weiner stated that they generally have --- that would work. They would have their engineer draw up a plan to show the modifications. Mr. Weiner stated that they will show the new location of the shed and where the existing concrete will ---and obviously they would fill it in with some sort of landscaping. From a legal point of view is that the appeal part of it there was some question on what was there now and resolving that old resolution. The new resolution

amending it re-granting the variance(s) and as far as the impervious coverage ask the engineer to try to quantify that and to have it in the resolution so we know what it is. Mr. Gannaio stated he did not plan on preparing a resolution at this time he would like the drawings. Mr. Weiner stated to carry it to the next meeting for November 2nd, 2011 and just come back if the engineers agreed and then the resolution could be ---. Mr. Weiner stated November 2nd was ok.

Property Owner: MKJC 145, LLC. 2011-10-1-P-11
Applicant: Linda Pagan-Perez
171 Main St
Block 40, Lot 2
Informal Site Plan Application: vacant. 99 cent discount store/general merchandise retail.
Mr. Gannaio swore in Ms. Perez. She stated that she would like to open a dollar store and provide some sort of a convenience place for the residence to go and buy goods at low prices. It's more a Mom & Pop type of store. Just to bring the community this type of store. She is a resident of Little Ferry. It will be general merchandise, household goods, arts and crafts, party supplies, recycling bags, plates. She does want to sell water, beverages and snacks and candy for the loot bags for the party supplies. She knows she needs a health permit for that and she will be applying for it upon the board's approval. She feels this is good for the community. Mr. Gerard asked the hours of operation. Ms. Perez stated that she would like to have the store open 7 days from 8 am to 8 pm. Mr. Bolan asked how many employees. Ms. Perez stated it is a family business and at the most 3 employees. Mr. Bolan asked about signs. Mr. Perez stated yes on a sign but it would be simple and no lights. Mr. Bolan stated that opening on Sundays may be a problem with the blue law. Mr. Bolan asked about deliveries. Ms. Perez stated that you can pick up the merchandise or have it delivered. They are sidewalk deliveries. Mr. Soojian asked where the supplies would be stocked. Ms. Perez stated that she would store some in her house and she does not plan to keep a large supply, she plans to keep the necessary things in the back area, the landlord permitted her to use one of the garages. Mr. Anzalone questioned if the partitions were installed yet. Ms. Perez stated that the place is vacant and has nothing. She would like to put up one wall and a small wall to cut off the bathrooms. In the future she would like to take out one of the bathrooms. Mr. Anzalone stated that here is a law on window signage. 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. Carrion, second by Mr. Anzalone. Roll Call: Mr. Bolan, yes-Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Carrion, yes-Mr. Loesner, yes-Chairman Olivelli, yes. Ms. Perez asked if she was permitted to have a TCO. Mr. Bolan stated to make sure that before she applies for the TCO to speak with the health department about what limitations they are going to place on the items that you sell before you even request a CO. Ms. Perez agreed.

Chairman Olivelli stated that in the future they need to be real careful what is and what not is submitted to the board and any drawings submitted should be certified by a

licensed architect or surveyor before they move on any application that requires a building of any significant size.

Mr. Carrion questioned where the water goes when someone pumps out their pool. Mr. Bolan stated he thinks it's considered clean water. It could be discharged into the storm system.

Mr. Avillo stated that McDonalds was supposed to put in ----device in the area to go around it hasn't been installed and they were supposed to put in strips of ----cars down incase there's in that parking area that the kid gets out of the car they were supposed to put down signs too. They are not in compliance with the resolution.

ADJOURNMENT: 9:35 pm.

MINUTES
REGULAR MEETING
OF THE
LITTLE FERRY JOINED PLANNING/ZONING BOARD
NOVEMBER 2, 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 George Carrion Alan Soojian Chairman Joseph Olivelli James Avillo AJ Joshi (arrived 8:40 pm) Anthony DiBlasio (arrived 8:45 pm)
Members Absent:	Richard Bolan Ronald Anzalone William Lenihan Marty Loesner
Also Present:	Board Attorney, Michael Gannaio Board Clerk, Susan Gerber

APPROVAL OF MINUTES: October 19, 2011. Chairman Olivelli entertained a motion to accept the minutes as written. Motion to accept the minutes as written was made by Mr. Soojian, second by Mr. Gerard. All Ayes.

CORRESPONDENCE:

Date: October 25, 2011. From: Paul Kaufman, Esq. Re: Royale Realty, LLC.

Date: October 18, 2011. From: State of NJ, Re: Royale Realty, LLC.

Date: November 2, 2011. From: Job & Job Engineering. Re: Royale Realty.

APPROVAL OF DENIAL OF RESOLUTIONS:

APPROVAL OF RESOLUTIONS:

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.
Chairman Olivelli stated that a letter was sent by Mrs. Pasquas attorney indicating that they are requesting an adjournment to the December 7th, 2011 meeting as they are in the process of redoing the plans.

Property Owner: MKJC 145, LLC. 2011-10-1-P-11
Applicant: Linda Pagan-Perez
171 Main St
Block 40, Lot 2
Informal Site Plan Application: vacant. 99 cent discount store/general merchandise retail.
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. DiBlasio. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. DiBlasio, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

HEARING OF NEW CASES/APPLICANTS:

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.
Mr. Avillo recused himself from this application.
Ms. Allyson Kasetta on behalf of the applicant. This is a remand hearing. She gave a brief review. 2007 this board or its predecessor granted site plan approval and variance relief to Royale Realty for the construction of a multifamily residential development. After the approval Gilbert Manor LLC and Donald Nuckel who own the adjacent property and objected to the application filed an action in lieu of prerogative writ with the superior court. As a result of that litigation the application was remanded to this board for two very specific issues. The first was the impact of the impervious coverage

variance on Mr. Nuckel's property and in light of that and a finding on the negative criteria for the impervious coverage variance. The second issue was the variance being required for parking in the front yard. The applicant originally did not seek a variance for that issue and the board did not grant a variance for it. The court determined that they return it back to the board to satisfy the proofs for that variance. They returned before the board last January at which time Mr. Coast their engineer and planner testified regarding the positive and negative criteria and to be parking in the front variance and they moved on to the impervious coverage variance they referred to a report previously prepared by Mr. Frank Getchell the boards hydro geologist which was in connection with the original application. At that time Mr. Nuckel's attorney objected to their use of that due to Mr. Getchell not being there to be cross-examined. They also had requested that board members read the transcripts of previous meetings. They have since submitted several versions of the site plan since then and also storm water calculations and have also engaged in pretty lengthy negotiations with Mr. Nuckel and finally have come up with a solution and is acceptable with everyone and it involves a complete redesign of the drainage system but the important thing to know is that the parties have come to a settlement agreement and resolution of their dispute a representative is here and he could give you their position on the matter. The revised drainage system is reflected on the plan that was submitted to you last revised October 13, 2011. They also received approval from the NJ DEP with respect to this plan.
Chairman Olivelli stated that he would like it on the record that the street be named Matt Fenton Drive. Ms. Kasetta stated she thinks that is part of the original resolution and are still agreeable to it. Mr. Costa stated was sworn in and the board has accepted his qualifications. Mr. Costa stated that they were remanded back to the board for two reasons. One was the parking in the front yard and the other portion was the drainage. Since then they have come up with a design. He has been in contact with Mr. Job, DEP, the Borough and now the board's approval. NJ DEP approved the plan. He has not filed the permit with the county as it was closed. Its original drainage design was a brick paver parking lot an environmental paver parking lot underneath that was a stone bed 21" thick. This is exactly the same. They abandoned the other design. What they did do was keep the stone trench, put piping underneath, and created two bio-retention basins in the front of the property. There will be keystone retaining walls around it, they will raise the grade around it to elevation 9, and the systems will hold all of the water. It comes off the site for a 100 year storm. They are six times larger than what they need to be. There will be no percolation because under the stone layer they are going to put a clay layer so it will not infiltrate into the ground settling into the basins. In the event that Losen Slote backs up there is a check valve placed in the inlet and by doing so all of the water from the roofs from the parking lot will captured and held in those basins. There will be no increase in the ground water levels on Mr. Nuckel's property. Mr. Joshi asked if the front property was at elevation was at 9'. Mr. Costa stated yes. It will be a decorative wall and behind the wall will be a keystone and vegetation. It also cleans the water and it has the ability to hold the water. Mr. Joshi asked what is the capacity of the area the volume wise would it hold. Mr. Costa stated 31, 916 cf, it is intertwined between the two. You are talking about 200, 000 gallons. Mr. Joshi questioned the folks on Paroubek Street. Mr. Costa stated it is choking the flow any of the water that was coming off of the site now it would be choked down to he believes it is 2" or 2 ½ " orifice. That is the level of

the water going out. There is so much excess capacity in here and you will never get there because you have the storage capacity underneath the brick pavers. It's going to reduce it dramatically from this site. The only thing that he could not get accomplished was the piping of the open ditch. Originally the drainage was actually flowing into a connection to that pipe. That no longer exists. Everything is placed in the front and then the piping network will go through a small orifice and then get piped into the pipe portion of the Losen Slote. In the event Losen Slote surcharges it will be prevented to come back in and fill these basins up so the only water that would get into the basins would be whatever falls from the sky or from the parking lot or roof leaders. There are crawlspaces underneath the apartments. Any flood waters can go in and go out. They are bio-retention as you have to put in vegetation in order to meet the water quality standard. They did not have to meet the water quality because they are putting in environmental pavers that act as a water quality but they did this as a second means of water quality to give it more of a look. The maintenance is required under the permit. It will bring in birds wildlife. You do not have stagnant water in this because everything drains through. There is also a fence around it. This is an open pond retention. The valve is easily accessible for the maintenance to get at it. Ms. Kasetta stated in light of all of these design features and the fact that no water would escape onto the adjacent property is it your opinion that they have now satisfied the negative criteria for the impervious coverage variance. Mr. Costa stated yes. Mr. Soojian stated that Royale Realty would now be taking Mr. Nuckel's water because his property is higher than theirs. Mr. Costa stated there was a pipe coming out of Mr. Nuckel's property which is the basement area this plan has done is create a 20' wide easement where he can re-pipe the sump pumps directly into this. That would not leave any standing water from Mr. Nuckel's property onto theirs. That would help him in the event that he is just recycling his water now at least it has an outlet. Mr. Nuckel would have the right to come onto the property and tie into if he liked to but it's not required. Mr. Costa stated that he can't imagine that he would have any impact other than positive. Mr. Job's letter was sent to Mr. Costa and he just wants Mr. Getchell to review the letter. The back area will be brick pavers, with a trellis which you could walk around. Chairman Olivelli opened questions to the general public. Mr. James Avillo of 12 Louis Street. Mr. Avillo spoke on the change of the PVC size from 3" to 4" and wanted to know how they were going to maintain and clean them. Mr. Costa stated that the pipes would be at elevation 6.5 as far as the water getting in there it should be clean, it's very low maintenance required. None of the sediment should ever get into at that point. Mr. Avillo questioned if this was renoticed to the residence since the remand request. Ms. Kasetta stated that is was served and published notices. Mr. Avillo stated that he recused himself because he spoke against this application when he was before this board a while ago. A similar application was approved here for 18 units and with the parking problems that exist today. If you look at the RSIS standards it doesn't look like it was advertised for that as well. This application could have been handled a lot better to scale it back and it hasn't been done. The parking spots in the front are very difficult to get into. His opinion is they have created 5 lbs of bologna in a one lb bag here. The amount of development on this property it is almost 70 to 80 % of the property they are using the whole property especially the wetlands and that area counts towards the lot coverage that's why it only shows it at 33% so he would say he is not in favor of this application and the board should deny it and at least scale it back with

something more applicable to the community especially for our Master Plan this is something that the town would not be proud. There is no parking on Main Street and there is no assigned for guest parking. Ms. Kasetta stated that they do understand his concerns and she wanted to remind the board that this remand is specific to the impervious coverage variance and the parking in the front yard variance. Mr. Daniel Steinhagen Esq. on behalf of Mr. Nuckel stated that he had no questions but a statement. They received today a signed agreement between the developer and Mr. Nuckel the changes that were testified to by Mr. Costa are capsulated in that agreement provided that agreement could be made a conditional of approval and can support the application being approved by this board they think that the changes to the drainage help the public good by reducing runoff off site helping water conditions on Mr. Nuckel's property they would definitely support a favorable vote on the application. Chairman Olivelli opened comments and questions again to the public and board. Ms. Kasetta stated that she thanked the board for their time and this has been around for a very long time and are very glad to present and what they think is a very creative and efficient solution to the drainage problems that could have arisen. With that said they respectfully request board approval on the two variances as well as the elimination of the condition to pipe into the adjacent Losen Slote. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve the application was made by Mr. DiBlasio, second by Mr. Gerard. Roll Call: Mr. Gerard, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

Applicant: Iyona McDonald 2011-11-1-P-12
D/B/A I Am Cupcake
201 Main Street
Bock 39, Lot 2
Informal Site Plan Application: Vacant. Gourmet cupcake shop and beverages.
Ms. McDonald was sworn in. She stated that she would like to open a gourmet cup cake shop and also sell beverages. They plan on serving between 30 to 40 up to 50 different flavors of gourmet cupcakes. The beverages would be soda, hot chocolate, water, fruit drinks and coffee. The hours would be 11 am to 8 pm Monday to Saturday and 10 am to 6 pm on Sunday. There would be 2 employees and hopefully more in the future. This is her first store. No questions from Mr. Avillo. Mr. Gerard suggested being open till 9 pm. Ms. McDonald stated she could do 9 pm. She would be baking on the premises. He liked the concept. There are currently two tables there now. She did not know the average price of a cupcake at this time. Mr. Carrion had no questions. He recommended that there are sports teams and she would love to sponsor a team. Chairman Olivelli opened questions to the general public. No one approached. Closed to the general public. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve the application was made by Mr. Carrions, second by Mr. Soojian. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

ADJOURNMENT: 9:30 pm.

MINUTES
REGULAR MEETING
OF THE LITTLE FERRY JOINED PLANNING/ZONING BOARD
DECEMBER 7, 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 the Star Ledger, 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
Members Absent:	AJ Joshi Joseph Olivelli
Also Present:	Brian T. Giblin, Board Attorney Susan Gerber, Board Clerk

APPROVAL OF MINUTES: November 2, 2011. Vice-Chairman Gerard entertained a motion to accept the minutes as written. Motion to accept the minutes as written was made by Mr. Soojian, second by Mr. DiBlasio. All Ayes.

Mr. Lenihan stated that Chairman Olivelli is back in the hospital and may be coming home Friday or Saturday.

CORRESPONDENCE:

Date: November 1, 2011. From: BC Soil, Re: Biogas Storage Tank Ft. of Mehrhof Rd.

Date: November 9, 2011. From: BC Bar Association. Re: Saturday, March 10, 2012 annual land use committee symposium.

Date: November 9, 2011. From: Board Clerk. 2012 Planning/Zoning Scheduled Meeting Dates.

Date: November 14, 2011. From: MNI Environmental, LLC. Re: Flood Hazard Area individual permit application LPS Industries, Inc. 10 Caesar Place, Moonachie, NJ.

Date: November 7, 2011. From: State of NJ. Re: Classification Exception Area/Well Restriction Area. Site: Scientific Design Co. 145 Marshall Ave.

The board members reviewed the correspondence and approved the meeting dates for 2012.

APPROVAL OF DENIAL OF RESOLUTIONS:

APPROVAL OF RESOLUTIONS:

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.
Attorney Ira Weiner requested to be carried to the January 18, 2012 meeting. Additional plans have not been submitted to the Borough Engineer.

Applicant: Iyona McDonald 2011-11-1-P-12
D/B/A I Am Cupcake
201 Main Street
Bock 39, Lot 2
Informal Site Plan Application: Vacant. Gourmet cupcake shop and beverages.
V-Chairman Gerard entertained a motion to waive the reading of the resolution. Motion to waive the reading was mad by Mr. Soojian, second by Mr. Carrion. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Carrion.

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

HEARING OF NEW CASES/APPLICANTS:

Property Owner: Mattaliano, J. A/K/A Victoria Auto 2011-12-1-Z-13
Applicant: Joseph P. Mattaliano
169 Route 46 East
Block 15, Lot 29
Use Variance: Petition of appeal of the decision of the Zoning Officer. Used car lot/repair from fire damages.
Mr. Bolan recused himself as part of this application is an appeal to his decision as the zoning officer.
Attorney Cuccio & Cuccio on behalf of the applicant. Back in July there was a fire at the premises and there is a 2200 sq. ft building that sits on the used car lot. What was left of the building was the foundation, the footings and walls. Mr. Mattaliano submitted permits to reconstruct the building and continue the non-conforming use. Mr. Bolan denied the application because the building that was situated is more than 50% destroyed that the applicant had to come in for a use variance. They filed an appeal if the building is part of an entire nonconforming use and the building is destroyed the building may be reconstructed without a use variance so as long as there is no expansion of the use so as long as you are using the same footings, foundation. He discussed case law. The 4 walls are still up, the foundation and footings are still in place and will be able to support the weight of the building. The site plans will show you that everything will remain the same. They are operating the facility out of a temporary trailer. Nothing would be increased or decreased. The case law that they heard would support the proposition. He did not find any contrary cases. There are 4 employees. Mr. Polyniak, from Neglia Engineering was sworn in. Mr. Polyniak went over the demolished building from the fire. The foundation and walls exist today. They are intended to be re-utilized. It will be the same sq. ft. It will have a service & showroom area and restrooms. None of the impervious coverage changes, none of the access to both Charles Street and Route 46 will effected. DOT has been noticed and has not responded. Mr. Carrion questioned if the board had the authority to overturn the denial. Mr. Giblin stated yes. Mr. Soojian asked if the lot was striped. Mr. Polyniak stated he did not see it stripping. The lot has managed accordingly. Mr. Soojian asked if they could request a parking lot diagram. Mr. Giblin stated you can suggest it but this is an appeal not a site plan. The attorney stated that Mr. Mattaliano will strip it. Mr. Mattaliano was sworn in. He stated that right now there are stripes there for fire lanes only. He owns the property for about 17 years. He does visit the site at least once a week and wants to keep it looking nice. Mr. Loesner asked if they were installing a fire suppression system. Mr. Mattaliano stated no. Mr. DiBlasio stated that the fire lane was maintained around the building and they had no

problem. He stated that there were two cars inside at the time of the fire. Mr. Mattaliano stated that they are approved about 17 years ago to have vehicles inside for shampooing. V-Chairman Gerard opened questions to the general public. No one approached. Closed to the general public. V-Chairman Gerard entertained a motion to overturn or agree with the zoning officer's appeal. Mr. Carrion made a motion to overturn the original denial, second by Mr. Loesner. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Loesner, yes.

Property Owner: Sunyi Management, Corp. 2011-12-2-P-14
Applicant: Byung K. Lee Riverside BKL, Inc.
45 N. Washington Ave
Block 44, Lot 4, 5 & 6
Informal Site Plan Application. Applicant intends to use the space to operate a karaoke bar.
Attorney Dennis Francis for applicant. They would like to open a karaoke business. They also have a liquor license. He lives in Flanders NJ. The owner of the property is his sister. It is approximately 6,000 sq. ft. First floor is approx. 3400 sq. ft. He wants to use the property for a bar/karaoke. It was used as a bar/karaoke previously. It has 8 rooms, 1 office, 1 storage room and 2 bathrooms. No alterations. The parking is listed as 26 spaces. He will need to change the outdoor signage. d/b/a SOHO. Hours of operation will be Monday to Thursday 8pm to 2 am and Friday to Sunday 8 pm to 3 am. The hours are permitted per borough ordinance. He is dealing with the Borough in regards to the liquor license and trying to rectify it. Mr. Anzalone clarified the number of parking spaces as 26. Mr. Carrion questioned the interior. Mr. Lee stated that there are 8 rooms. Mr. Francis stated that it has remained the same for the interior and exterior since it was closed. Mr. DiBlasio asked who owned the building and previous business. Mr. Lee stated his sister and he did not know who the prior business owner was. Mr. Bolan asked if he has owned a karaoke bar or restaurant. Mr. Lee said he does own a restaurant now in Flanders, NJ for 10 years and the karaoke bar is a new experience. Mr. Bolan spoke about the sign application says a restaurant and he really doesn't have the seating area he has private booths set up for karaoke. Mr. Bolan questioned if it were a restaurant or karaoke bar. Mr. Lee said it is a karaoke bar. He will be serving a light menu. The previous applicant also sold a light fare menu and he wishes to do the same. Mr. DiBlasio asked if the kitchen was going to be open and have a chef and waitress and a limited menu. Mr. Lee said yes. Mr. Avillo stated that the place was overgrown and if they had plans to clean it up and maintain the property in better condition and add some shrubbery in the front. It has since been cleaned up and hopes it will be maintained the same way and to add some landscaping would be good as well. Vice-Chairman Gerard asked if he was going to maintain the downstairs exactly as the plans that they approved in the prior resolution and the same for the outside smoking area and the garbage. Mr. Lee stated yes. Mr. Soojian asked if this was a closed bar or open to everyone. Mr. Lee stated open to everyone, a business family. Mr. Anzalone stated that they must contact the Board of Health Department. Mr. Francis stated that they have filed the application with the BOH and there is a meeting this month. Mr. Bolan asked if they would agree to place a sign in the parking lot saying that there are residential areas and should exit quietly and no congregating other than to smoke in the designated areas so we can avoid

having something happening at 2 am in the morning. The sign can say be respectful to the residential neighbors. Mr. Lee agreed to place a sign. Mr. DiBlasio stated that the smoking area was approved to be off the street in the middle. V-C Gerard opened to the general public. Closed to the general public. V-C Gerard entertained a motion to approve or deny the application. Motion to approve the application was made by Mr. Lenihan, second by Mr. Anzalone. Roll Call: Mr. Bolan, yes-Mr. Anzalone, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Lenihan-yes, Mr. Carrion, yes-Mr. Loesner, yes-Mr. Avillo, yes.

Property Owner: Kim, Iljun & Seung Eun 2011-12-3-P-15
Applicant: Veggie Express, Inc.
148 Main Street
Block 19, Lot 16
Informal Site Plan Application. Currently occupied as a take-out. The same use is intended for sale of vegetarian food.
Attorney Dennis Francis on behalf of the applicant. This is a business to business transfer. The previous applicant was the Best Korean Food and also Bapcha. Ms. Sue was sworn in. Ms. Sue lives in Palisades Park. She wanted to open a business a few years ago and has now found this site. She is in contract to purchase the business. This is a one story building. There is 1600 sq. ft. It is already set up for retail. The previous owner cooked and sold the food as take out. There are not tables and chairs in the store. She intends to make food like salad and vegetables and does not have a specific menu at this time. Ms. Sue is not a chef but her friend who used to run a Korean restaurant will help her. Ms. Sue has a food manager's license. She intends to have 3 employees. There is parking in the driveway and on the street. She will need to change the sign but she has not decided on the new business name yet. She will be in contact with the Board of Health department. Mr. Avillo asked if she will provide a dumpster. Ms. Sue stated she will contact a dumpster company. Mr. Loesner questioned her business hours. Ms. Sue stated 10 am to 7 pm. And she may do some deliveries. Mr. Loesner questioned her where will the delivers take place. Ms. Sue stated that there is a rear entrance which also has a driveway. Mr. Bolan stated it is a retail take out and does she have an established menu yet. Ms sue stated no set menu. Mr. Bolan stated that there is a kitchen, display cases and refrigerators; it will all stay the same. Ms. Sue stated yes. Mr. Anzalone stated that he would like to see the garbage kept in the rear of the building. He mentioned the window coverage to be maximum 20%. She may have an issue with the sun and she may want shades. Vice-Chairman Gerard questioned the delivery service. Ms Sue stated maybe lunch she did not know yet. Mr. Bolan made a suggestion that she also sell other things like meat besides vegetables. Vice-Chairman Gerard opened questions to the general public. Closed to the general public. V-C Gerard entertained a motion to approve or deny the application. Motion was made by Mr. Soojian to approve the application, second by Mr. Carrion. 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.

Motion to go into private session was made by Mr. DiBlasio, second by Mr. Soojian, All Ayes. Motion to go back into public session was made by Mr. DiBlasio, second by Mr. Soojian. All Ayes.

V-Chairman Gerard entertained a motion for Mr. Brian T. Giblin to represent the Little Ferry Joined Planning/Zoning Board in the law suits by Mr. Donald Nuckel against the Planning Board. Motion was made by Mr. DiBlasio, second by Mr. Loesner. All Ayes. Mr. Giblin stated that he would let them know. A lot of the litigation that they have had recently particularly the COAH litigation since the Borough was involved in that as well and since Mr. Monaghan does that for a retainer he has tried to minimize the amount of time that he spends and he did not bill the Planning Board for the last few years, he makes court appearances and pleadings and things and tries to maintain the least involvement he can while still protecting the boards interest.

Mr. Lenihan questioned how we lost it in the Supreme Court if we won it all in the rest. Mr. Giblin stated it is a precedence case it's the first time it was ever decided. The Supreme Court decided the little triangular piece of property and they had the driveway going over it the Supreme Court decided for the first time that that little triangle takes on the use of the property its servicing so that is now considered to be part of the hotel site even though there is just a little driveway across it takes upon the characteristics of the use that it supports. They never held that before that is why the Supreme Court took the case they wanted to make that statement for whatever reason.

Mr. Carrion was concerned with projects that want to come into Little Ferry.

The board clerk wished everyone a Merry Christmas and a Happy New Year.

ADJOURNMENT: 8:45 pm.

MINUTES
RE-ORGANIZATION MEETING
OF THE
LITTLE FERRY PLANNING/ZONING BOARD
JANUARY 18, 2012

MEETING START: 7:30 PM

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, 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:	Roberta Henriquez Steven Gerard Anita Kober George Carrion AJ Joshi Alan Soojian James Avillo William Lenihan Winton Ramsay Joseph Olivelli
Members Absent:	Richard Bolan Anthony DiBlasio Marty Loesner
Also Present:	Mike Gannaio, Board Attorney Susan Gerber, Board Clerk

APPROVAL OF MINUTES: December 7, 2011

APPROVAL OF DENIAL OF RESOLUTIONS:

APPROVAL OF RESOLUTIONS:

Property Owner: Mattaliano, J. a/k/a Victoria Auto 2011-12-1-Z-13
Applicant: Joseph P. Mattaliano
169 Route 46 East
Block 15, Lot 29
Use Variance: Petition of appeal of the decision of the Zoning Officer. Used car lot/repair from fire damages.
Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion was made by Mr. Gerard, second by Mr. Soojian. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Mr. Carrion.

Property Owner: Sunyi Management, Corp. 2011-12-2-P-14
Applicant: Byung K. Lee Riverside BKL, Inc.
45 N. Washington Ave.
Block 44, Lot 4, 5 & 6
Informal Site Plan Application: Applicant intends to use the space to operate a karaoke bar and serve food.
Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion was made by Mr. Gerard, second by Mr. Carrion. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Lenihan, yes-Mr. Carrion, yes.

Property Owner: Kim, Iljun & Seung Eun 2011-12-3-P-15
Applicant: Veggie Express, Inc.
148 Main St.
Block 19, Lot 16
Informal Site Plan Application. Currently occupied as a take-out. The same use is intended for sale of vegetarian food.
Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion was made by Mr. Soojian, second by Mr. Joshi. Roll Call: Mr. Gerard, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Lenihan, yes-Mr. Carrion, yes

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

UNFINISHED OR ADJOURNED HEARINGS OF APPLICANTS:

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

Chairman Olivelli & Mr. Joshi recused from the application. Mr. Gerard as Vice-Chairman.

Mr. Gannaio stated that there have been some documents submitted in a context of a settlement proposal. Mr. Weiner stated correct. The last meeting some of the issues were addressed during a break. They found that by moving the shed it would be a problem with the pumps. To do all of that work it would cost a great deal amount of money, its more than feasible. The shed is almost on top of the entrance to the pool. They prepared a draft and are not an official document it is a proposal for discussion. If the board wants to do it they would resubmit it through a normal course. They came up with an alternate plan with the same purpose with less disruption in the backyard and also would satisfy the boards looking for as far as impervious coverage reduction. He did a title search on the property and did not find a deed of easement required. Even the map that is filed with the County did not say who it is to. He discussed the law of easements. There is no compelling need to move anything out of the easement in terms of legal and they have the right to be there in that they do not interfere. Mr. Greggor: Draft plan AS1-1/18/2012. This document was discussed in a settlement context at the last meeting which was for discussion purposes. The proposed settlement drawing had two problems. No. 1 the pipes interfered with moving the shed as was proposed and no. 2 if you put the shed where it was proposed the doors swing out and interfere with someone getting in and out of the pool and walking safely around the pool. The shed was proposed to be moved 8 ½ feet and also some concrete. The alternate plan shows AS2-1/18/2012 not moving the shed, but they did remove all of the concrete to the right of the shed and all of the concrete to the left of the shed leaving a very narrow portion where the doors were so you can get into and out of the shed. They also removed the paver insert; also the area underneath the deck. This is 447 reduced sq ft. from the as built plan. Mr. Weiner stated that he felt that he accomplished what was asked of them. As far as the shed they are going to agree on a condition; that there is no question that the shed remaining in that location that they agree that they are subject to the easement in that they don't require any rights against the town should the town come and decide to ask all of the neighbors to utilize the easement they would exceed that it is valid and they have the right to do that and they would challenge it; this is a paper easement that has been there since 1964; it has been there for 50 years and has never been used; without moving the shed they agreed to do that and acknowledge that as a condition so that if it ever came up the town would not have an issue with them getting out of the way. They are giving the same amount of impervious reduction that you were looking for. If the board is inclined to say they could live with this as a settlement then he would have his engineer prepare and submit an amended site plan; the title searches and exhibits. Hopefully they will finish

the case next month. Mr. Carrion questioned the easement. Mr. Weiner stated that if the town needs to utilize the easement for drainage they would move the shed. Vice-Chairman Gerard stated that before they can move on this application they would like the Borough Engineer and Planner to review the revised site plan. Mr. Gannaio stated that they should submit the revised plans to the engineer and planner and the vibe he is getting is this would be ok. Mr. Soojian stated that he has lived there close to 50 year and he has never seen water problems and he didn't see the town coming in to use the easement. Mr. Gannaio opened questions to the public. No one approached. Closed to the public. Mr. Weiner requested to have this matter carried to February 15th, 2012 so his engineer can resubmit. He will also send to Mr. Job and Ms. McKenzie and have their response before the next meeting. Mr. Lenihan questioned if the resolution will state the easement problem. Mr. Gannaio stated yes that the resolution would.

NOMINATION OF CHAIRMAN:

Chairman Olivelli entertained a motion for the nomination of Chairman. Mr. Lenihan nominated Mr. Olivelli, second by Mr. Gerard.
No other nominations.

NOMINATION OF VICE-CHAIRMAN:

Chairman Olivelli entertained a motion for the nomination of Vice-Chairman. Mr. Soojian nominated Mr. Gerard, second by Mr. Carrion.
No other nominations.

NOMINATION OF SECRETARY:

Chairman Olivelli entertained a motion for the nomination of Secretary. Ms. Henriquez nominated Mr. Soojian, second by Mr. Carrion.'
No other nominations.

APPOINTMENT OF ATTORNEY:

Chairman Olivelli entertained a motion for the nomination of Attorney. Mr. Olivelli nominated Mr. Giblin, second by Ms. Henriquez.
No other nominations.

NOMINATION OF CLERK:

Chairman Olivelli entertained a motion for the nomination of Clerk. Mr. Olivelli nominated Ms. Gerber, second by Mr. Gerard.
No other nominations.

SELECTION OF NEWSPAPERS: The Record & Star Ledger. No other nominations.

Motion was made by Ms. Henriquez, second by Mr. Lenihan. Roll Call: Ms. Henriquez, yes-Mr. Gerard, yes-Ms. Kober, yes-Mr. Carrion, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Lenihan, yes-Mr. Ramsay, yes-Mr. Olivelli, yes.

SELECTION OF PUBLIC MEETINGS, WORKSHOP MEETINGS AND INSPECTION DATES: The 2012 scheduled dates were approved at the December 7, 2011 meeting. Chairman Olivelli stated that the dates on the bottom are for on-site inspections.

Also the applicants submitted plans must be presented to our professionals at least two weeks before the meeting. Chairman Olivelli would like a vote on it to reaffirm the law as 14 or 10 days submittal. Mr. Avillo stated that he believes in the Municipal Land Use Law it is ten days for submittal.

Motion for 10 days submittal was made by Ms. Henriquez, second by Mr. Lenihan. Roll Call: Ms. Henriquez, yes-Mr. Gerard, yes-Ms. Kober, yes-Mr. Carrion, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. Avillo, yes-Mr. Lenihan, yes-Mr. Ramsay, yes-Mr. Olivelli, yes.

Mr. Joshi mentioned to have a second podium.

Mr. Gannaio swore in the three new members. Mr. Winton Ramsay, Ms. Anita Kober and Ms. Roberta Henriquez. Congratulations!

ACTION ON ANY OTHER BUSINESS:

CORRESPONDENCE:

Date: January 13, 2012. From: Borough Clerk. Re: Review and recommendation of Ordinance No. 1346-01-12; Required Parking.

Date: December 16, 2011. From: Job & Job Engineering. Re: Site Plan-McDonald's.

Date: January 5, 2012. From: State of NJ. Re: Six public hearings for the draft final State Strategic State plan: NJ's State Development & Redevelopment Plan.

Date: December 28, 2011. From: State of NJ. Re: CD of the 2nd edition of The Redevelopment Handbook.

Date: December 30, 2011. From: Job & Job Engineering. Re: Site Plan- 169 Route 46 East.

Date January 4, 2012. From: Job & Job Engineering. Re: Land Use Applications.

Date: January 3, 2012. From: Dennis Francis, Esq. Re: 58 Hester St-Letter of Withdrawal of the application.

Date: December 29, 2011. From: Environ. Re: Response Action Outcome. Scientific Design, 145 Industrial Ave.

Mr. Avillo questioned if McDonalds has completed the safety for the pedestrian areas. Chairman Olivelli stated that he called their engineer and attorney and questioned the signage for caution/children at play. They said it was not in the resolution and that they would try to get the signage up. They were only directed to change the flow of traffic and change the curbing. He told them that the board would like to have some signage and the deterrents in the road.

Pollo Tropical did post the signs for overnight parking. DPW painted the curb yellow.

Mr. Gerard stated the old Atlas building on Route 46 looks horrible. Chairman Olivelli stated that it is unsightly and according to the law what the construction official considered unsafe was knocked down, they have been issued permits but have not started the work yet. Mr. Lenihan questioned if there was contamination on that ground. Chairman Olivelli stated it's a good question.

Mr. Lenihan stated the old car dealership Bob's Auto on Route 46 heading east has a lot of cars on the lot. This is across from Atlas Plastics. Chairman Olivelli stated to forward this complaint to the Property Maintenance Department for the total number of vehicles on the lot.

HEARING OF NEW CASES/APPLICANTS:

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

ADJOURNMENT: 8:30 pm