

**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: Motion was made by the Chairman to approve the minutes as written. All Ayes.

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.
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 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 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 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.
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 15th 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.
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.

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

Property Owner: Hye Jong Lee
Tenant: Soyoung Kim
133 Liberty Street
Block 64, Lot 10

2011-5-1-P-6

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.
Tenant: Pollo Tropical Restaurant/Pollo Operations, Inc.
146 Route 46 East
Block 20.01, Lot 39

2011-5-2-Z-7

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.

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
Planning Application: Remand Hearing.
This application has been carried to the July 20, 2011 meeting.

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

Property Owner: Mrs. Jody 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

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

Property Owner: McGrath-Molino, Paul & Bethann
67 Prospect Avenue
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 1/2' 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.

2011-6-1-Z-8

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

to move the fence. Chairman Olivelli suggested that we send them a second letter stating that this needs to be corrected and to appear at the next meeting for July 20, 2011.

Chairman Olivelli stated that he spoke to Mr. Cirillo twice with regards to the no left turn sign that should be by the Dunkin Donuts, someone must have knocked it down so we need the clerk to send them a letter to reinstall the sign. Also the 7-11 on Liberty & Main Street apparently there are a lot of tractor trailers parking on the Main Street side and it is causing a traffic problem. There is also a driveway to the rear of 7-11. Chairman Olivelli asked if we had any jurisdiction on this matter. Chairman Olivelli suggested sending a letter to the Chief of police. Mr. DiBlasio stated that by the bank it's a legal parking spot. He also felt this was a police matter. Mr. Carrion questioned if the trucks are blocking the rear exit. If they are blocking an exit then they have to get a ticket. It's up to TD Bank to call and have them ticketed. Mr. Giblin stated that the Planning/Zoning Board is not an enforcing agency. Chairman Olivelli suggested pulling their resolution and seeing what was discussed.

Chairman Olivelli stated that the pool hall located on Bergen Turnpike by Gates property is selling food. This is a new owner. And the windows are all covered on the golf side. Chairman Olivelli suggested having the Property Maintenance inspector go there and take a look at it. We have a sign ordinance.

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

ADJOURNMENT: 8:30 pm.

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*

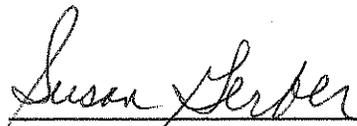
Borough of Little Ferry

215-217 LIBERTY STREET • LITTLE FERRY, NJ 07643
201-641-9234 201-641-1957 FAX
www.littleferrynj.org

**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

**AGENDA
REGULAR MEETING
OF THE
LITTLE FERRY JOINED PLANNING/ZONING BOARD
JULY 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: June 15, 2011.

APPROVAL OF DENIAL OF RESOLUTIONS:

APPROVAL OF RESOLUTIONS:

Property Owner: McGrath-Molino, Paul & Bethann 2011-6-1-Z-8
67 Prospect Avenue
Block 99.02, Lot 10
Zoning Application: Erect a 12' x 24' above-ground pool.

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.

CORRESPONDENCE:

Date: June 17, 2011. From: Superior Court of NJ. Re: Civil Action Summons-NVi, NV II, Gilbert Manor, LLC, Donald Nuckel & Co, Ind. Vs. The Planning Board of the Borough of Little Ferry.

Date: July 11, 2011. From: Ira E. Weiner, Esq. Re: Application for Jody Pasqua; 28 Lamker Ct.

HEARING OF NEW CASES/APPLICANTS:

Applicant: Morales, Debra
15 Monnett Street
Block 71.01, Lot 12

**The certified return receipt mail has been returned unopened. The regular mail has not been returned yet.

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

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

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: 260 Liberty St, LLC,
C/O P. Ham
260 Liberty Street
Block 39, Lot 30
Site Plan Application: Vacant; garden shop.

2011-7-1-P-9

Property Owner: Pagano, Santa
61 Lakeview Avenue
Block 11, Lot 47

2011-7-2-Z-10

Zoning Application: add a canopy over front entrance.

ADJOURNMENT:

APPROVAL OF RESOLUTIONS:

Property Owner: McGrath-Molino, Paul & Bethann 2011-6-1-Z-8
67 Prospect Avenue
Block 99.02, Lot 10
Zoning Application: Erect a 12' x 24' above-ground pool.
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. Joshi. Roll Call: Mr. Gerard, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Loesner, yes.

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.

CORRESPONDENCE:

Date: June 17, 2011. From: Superior Court of NJ. Re: Civil Action Summons-NVI, NV II, Gilbert Manor, LLC, Donald Nuckel & Co, Ind. Vs. The Planning Board of the Borough of Little Ferry.

Date: July 11, 2011. From: Ira E. Weiner, Esq. Re: Application for Jody Pasqua; 28 Lamker Ct.

Date: July, 2011. From: Rutgers, Re: Summer 2011 Continuing Studies, Land Use for Municipal Planning Boards & Zoning Boards of Adjustment.

HEARING OF NEW CASES/APPLICANTS:

Applicant: Morales, Debra
15 Monnett Street
Block 71.01, Lot 12

**The certified return receipt mail has been returned unopened. The regular mail has not been returned yet.

Mr. Jamie Rojas spoke on behalf of Ms. Morales. Mr. Giblin stated that he was mailed a letter from the Planning/Zoning Board about the fence. Mr. Rojas stated yes and the problem was when they ordered the survey from the architect they forgot to tell where the perimeters were. So the person made a mistake thinking that the property went all the way to here. Now they have to order it again. Mr. Giblin asked if they were going to fix or move the fence back 25'. Mr. Rojas stated the fence was there always. Mr. Giblin stated it was in the wrong place and they do not have the right to put a fence on property that is not theirs. Mr. Soojian asked if all the properties by him had a fence the same way. Mr. Rojas stated yes. The board members reviewed the photos submitted. Mr. Giblin stated that the problem is the fence even though they put it back where another

fence was its not their property. Someone put it there incorrectly probably many years ago and it doesn't make it your property. The fence is about 10' past your property line. Legally it doesn't give you the right to the property. Mr. Giblin believes it is Borough Property. He understands that he just replaced another fence and it doesn't make it right. He is suggesting to the board to tell the M& C and the Borough Attorney that this fence is miss located by a substantial margin and to order Ms. Morales to remove it and put it where it is supposed be on the property line. He also suggests that they do this to the neighbors too. This is not the Planning/Zoning Boards jurisdiction. The board is going to notify the M & C them and they will do whatever they think is right. Mr. Loesner stated that according to the picture they are Falcon Jets stockade fence. That is why the good side is facing their property. What Ms. Morales did was build a planter on the easement. Mr. Rojas stated that they only did the side fence. He never touched the rear fence. He did put the planter in. Mr. Giblin stated that they also did the 10' connection to the rear fence. Mr. Soojian suggested that they put in a gate back there. Mr. Giblin stated the planter is going to have to come out. Mr. DiBlasio suggested to have the engineer look at the couple of yards and if this is going to cause a major problem. The fence that goes over the easement if we ask the engineer if that is that big of a deal because if they remove everyone of those 10' sections that mean every house along that property is going to have to fence the back of their house in 10' up but if the fence is not going to affect drainage in any way along that easement maybe they could see fit to let them leave the fence straight back. It's going to create an issue. Who is going to maintain the grass? Mr. Joshi stated that he suggest that they go out and inspect each one of those back yards to see who has violated this and send a letter out. Mr. Giblin stated that the Building Dept. does not have the authority to give somebody a permit to put a fence on someone else's property. The problem he has with it is called eminent domain. Or they could enter into agreements with them. There are other ways to defeat eminent domain. This needs to go to the M & C and also to Mr. Job as well. Mr. Giblin stated that Falcon Jet could own the property even though it is an easement that doesn't demonstrate ownership. Mr. Giblin stated to Mr. Rojas that the access to the easement if it's a drainage easement the Borough may need to get in there and if there is a problem like debris washing in there and the Borough has to go in there and take it out and they need to be able to get in there. If you put up a fence there is a problem. This Board is not going to do anything but to refer it to other agencies. V-Chairman Gerard entertained a motion to send notice to the M & C and Borough Engineer to investigate the property owners in this area concerning their fences encroaching 10' onto the easement. Motion was made by Mr. Soojian, second by Mr. Joshi, All Ayes.

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.

Board Clerk received a memo from Royale Realty's attorney requesting an adjournment for this evenings meeting.

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. Giblin stated that he spoke with Mr. Ira Weiner the attorney who represents Ms. Pasqua. Mr. Weiner has asked for an adjournment for this evening. Mr. Giblin stated that he suggested to Mr. Weiner that being that the case is over a year that his client renotices so in fairness to her neighbors they will know that the case is coming back to the board. Mr. Weiner did not think it was unreasonable either. V-Chairman Gerard entertained a motion that Mrs. Pasqua would be required to renotify to the property owners within 200' of her property. Motion was made by Mr. Loesner, second by Mr. DiBlasio. All Ayes. The applicant is scheduled to come to the September 14, 2011 meeting.

Mr. Giblin recommended that the following two applicants be dismissed without prejudice or to be carried to the next schedule meeting for September 14, 2011. V-Chairman Gerard stated yes to carrying them to the next scheduled meeting.

Property Owner: 260 Liberty St, LLC,
C/O P. Ham
260 Liberty Street
Block 39, Lot 30
Site Plan Application: Vacant; garden shop.
The applicant did not show up for the meeting.

2011-7-1-P-9

Property Owner: Pagano, Santa
61 Lakeview Avenue
Block 11, Lot 47
Zoning Application: add a canopy over front entrance.
The applicant did not show up for the meeting.

2011-7-2-Z-10

ADJOURNMENT: 7:50 pm.

**AGENDA
REGULAR MEETING
OF THE
LITTLE FERRY JOINED PLANNING/ZONING BOARD
AUGUST 17, 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: July 20, 2011.

APPROVAL OF DENIAL OF RESOLUTIONS:

APPROVAL OF RESOLUTIONS:

CORRESPONDENCE:

Date: July 21, 2011. From: Costa Engineering Corp. Re: Royale Realty, LLC.

Date: July 21, 2011. From: Costa Engineering Corp. Re: Royale Realty, LLC.

Date: August 1, 2011. From: Job & Job Engineering. Re: Pollo Tropical.

Date: August 8, 2011. From: Bergen County Soil. Re: 101 Industrial Ave.

HEARING OF NEW CASES/APPLICANTS:

Applicant: Royale Realty
273, 277 & 281 Main Street
Block 38, Lot(s) 22, 23 & 24
Planning Application: Remand Hearing.
Carried to the September 14, 2011 meeting.

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

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.

Carried to the September 14, 2011 meeting.

Property Owner: 260 Liberty St, LLC,
C/O P. Ham
260 Liberty Street
Block 39, Lot 30
Site Plan Application: Vacant; garden shop.

2011-7-1-P-9

Property Owner: Pagano, Santa
61 Lakeview Avenue
Block 11, Lot 47

2011-7-2-Z-10

Zoning Application: add a canopy over front entrance.

ADJOURNMENT:

**AGENDA
REGULAR MEETING
OF THE
LITTLE FERRY JOINED PLANNING/ZONING BOARD
SEPTEMBER 14, 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: August 17, 2011.

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.

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.

Property Owner: Pagano, Santa 2011-7-2-Z-10
61 Lakeview Avenue
Block 11, Lot 47
Zoning Application: add a canopy over front entrance.

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.
Carried to the September 14, 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.
Carried to the September 14, 2011 meeting.

ADJOURNMENT: