

**MINUTES
LITTLE FERRY PLANNING/ZONING BOARD
FEBRUARY 17, 2010**

MEETING START: 7:30 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, 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: **James Avillo
James Cirillo
Steven Gerard
Ronald Anzalone
AJ Joshi
Anthony DiBlasio
William Lenihan
George Carrion
Chairman Joseph Olivelli**

Members Absent: **Richard Bolan
Anthony Pasqua
Alan Soojian**

Members Also Present: **Attorney, Michael Gannaio
Board Clerk, Susan Gerber**

APPROVAL OF MINUTES: **January 20, 2010.**

Chairman Olivelli entertained a motion to accept the minutes as written for January 20, 2010. Motion was made by Mr. Gerard, second by Mr. Lenihan.

APPROVAL OF DENIAL OF RESOLUTIONS:

CORRESPONDENCE:

Date: January 22, 2010. From: Job & Job Engineering. Re: Subdivision/Site Plan CVS.

Date: January 29, 2010. From: Job & Job Engineering. Re: Hallelujah Books.

Date: February 1, 2010. From: Job & Job Engineering. Re: Circle Elimination Project.

Date: February 4, 2010. From: Barbara Maldonado, Borough Clerk. Re: Land Use: Zoning, B-H Highway & Regional Business Zone.

Chairman Olivelli stated that he would like to welcome our newest member Mr. James Avillo. He was a former member of the Zoning Board and he is very knowledgeable and will be an asset to the Planning/Zoning Board.

Welcome Mr. Avillo!

Chairman Olivelli opened questions or comments to the board members in reference to the Land Use: Zoning, BH Highway & Regional Business Zone Ordinance No. 1293-03-10. No one questioned or commented. Chairman Olivelli entertained a motion to send this forward to the Mayor & Council Motion to send it forward to the Mayor & Council was made by Mr. Joshi, second by Mr. Cirillo. Roll Call: Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Anzalone, yes-Mr. Joshi, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Mr. Avillo, yes-Chairman Olivelli, yes.

Mr. Frank Migliorino, Esq. of 384 Liberty Street. This Ordinance is in effect is a robbery. This should be what is consistent with the Master Plan. You should check and see how this is going to affect the people. What you did was set back the consideration of the Mater Plan. No one knows what a personal service is. He is a lawyer isn't that a personal service? Accountant, barber, beautician, nail person, masseuse, you have taken it from the people with out thinking of it. One of the people who introduced this ordinance has a personal conflict of interest she runs the pet store. This was a rush to judgment. Get it done. Get I quick. He sees this as malice. He also has a house in the BH Zone. You have taken away the property values on the properties on Route 46 & Liberty Street. He will be going for a tax appeal. If you limit his pool of tenants you devalue his property. You cant put a Barber Shop there or get his nails done or his shoes polished. This is a personal service. He doesn't know what is allowed there. You said that this use is not allowed in the Highway Zone. Where is it going to be? Why did you steal it? Lets get this ordinance passed before they build Heaven Is A Spa somewhere else. That is what is going on. Otherwise why the rush? This is a law that is being passed to hurt one business and it is hurting everyone else. Mr. Avillo stated that the board received a document from the Borough's planner stating that the Neighborhood Business Zone is better suited rather than the Highway Zone. Mr. Migliorino asked what street were they? Mr. Avillo stated Main and Liberty Streets. Mr. Anzalone stated our planner

recommended it. Mr. Migliorino asked where does it go on March 2nd? Mr. Anzalone stated that they are recommending that it go in the BN Zone, which would be Main & Liberty St. Mr. Migliorino stated it goes to the Planning Board first and then to the Mayor & Council meeting. He wanted to know if it was consistent with the Master Plan? Mr. Anzalone stated that the Planner says it is. Mr. Migliorino asked if they are going to take it away on March 2nd. You have to put it somewhere else. You are now making every Use that is currently allowed in this zone a non-conforming use and putting a burden on everyone who has a legitimate use now and making it hard for them to come in and make any improvements on their property. This is all about the zoning change to keep the Spa from coming in. This is dangerous. What is the rationale? What is the speed? You are taking away a property right and it would take away their value. This was done for one reason only, a rush to judgment from keeping the spa from coming back into this town. He will be at the March 2nd Mayor & Council meeting. His client received bills from the town for the crane, police and gas for the fire trucks. Thank you for your time.

APPROVAL OF RESOLUTIONS:

Property Owner: Carlo Maramonte 2009-12-1-P-22
Applicant: MTPC, LLC (Tommaso Maramonte)
201 Main Street
Block 39, Lot 2

Informal Site Plan Application: Vacant restaurant to same business. New owner of business.

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

Property Owner: L'Heureux, Louis 2009-12-4-P-25
Applicant: Peter Lopez
230 Main St. A/K/A 228 Main
Block 15, Lot 4

Informal Site Plan Application: Office use only to receive orders from furniture companies to provide in home repairs on furniture.

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

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.
Adjourned to the March 17, 2010 meeting.

Property Owner: Mr. & Mrs. Pasqua 2010-2-1-Z-1
28 Lamker Court
Block 106.03, Lot 2
Zoning Application: Variances for pool and pool house.
Adjourned to the March 17, 2010 meeting.

Property Owner: LIP Life 2010-2-2-P-2
Applicant: Vevey Style Inc.
15 Liberty St
Block 76, Lot 10.01
Informal Site Plan: Warehouse.
Attorney, Dennis Francis on behalf of the applicant. Ms. Park was sworn in. Vevey Style is the applicant and is a wholesale company. The other store and office is in New York. Currently there are two units in the building. The unit in the back is two floors. The property is used for warehousing. The back tenant moved and Ms. Park wants to occupy the second unit for warehousing of scarves, hats and belts. Ms. Park will not expand the building or need any other signs. They get the deliveries from overseas; they empty the container and then the boxes are picked up to go to the New York store. She goes to this property only when they have a delivery and to pick up the merchandise. They usually get deliveries once every two weeks or once a month. Deliveries come by containers or trucks. They have parking in the rear of the property. No flammable merchandise. They are just expanding the warehouse. No retail sales would be done out the building. The warehouse hours are 9 am to 6 pm Monday through Friday. 10 am to 5 pm on Saturdays and closed on Sundays. They seldom work on Saturdays. Chairman Olivelli opened questions to the public. No one approached. Closed to the public. Mr. Francis stated it is a straightforward expansion of the business, no intensification of the use. The applicant would use it as a warehouse, no retail facility, no public coming in at all, they would not be there on a consistent basis so he requests the board to vote to approve this application. Chairman Olivelli entertained a motion to approve or deny the application. Motion to approve was made by Mr. Cirillo, second by Mr. Lenihan. Roll Call: Mr. Anzalone, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Avillo, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

Property Owner: IV Realty, Corp.
Industrial Ave
Block 108.06, Lot 2

2010-2-3-P-3

Planning Application: Approved by the NJMC. This application is a proposed minor subdivision.

Attorney Mr. Thomas Bruinooge spoke on behalf of the applicant. He stated that they come before the board simply to meet the statute and which the property is in the NJMC jurisdiction. They have obtained approval for subdivision and site plan. He wants to carve off 3.79-acre lot on Industrial Avenue extended from a larger lot and isolate a 5,000 sq. ft. structure, which was constructed on the lot many years ago. The purpose of the subdivision is to have the building, which is separated from the larger structure, and allow Mr. Vecchiotti to use it as a personal office of storage for his business records and material that he finds necessary for him and his family operation. This is approved and it is before the board for filing. Statute requires the Planning/Zoning Board to sign off before he could perfect the subdivision at the county clerks office. He did not anticipate any storage. There may be an older vehicle there from time to time. The property is currently on the market and it is going through a final clearance with DEP. The building is going to remain. The connecting structure would be coming down. Mr. Avillo asked why the subdivision was not made larger. Mr. Bruinooge stated that is what they wanted, he understands the question and it's in the NJMC jurisdiction. The larger lot has more marketability and flexibility for future redevelopment. Mr. Vecchiotti does not need more than what he has asked for. He is trying to make it a saleable property. Mr. Joshi asked why was DEP researched. Mr. Bruinooge stated that the operation that was run by the Vecchiotti family was closed down and the industrial site recovery act came into play and ordered the property to be transferred to DEP. Approval has to be obtained and a no further action letter also has to be obtained. The property other than the subdivided 3.789-acre lot is on the market. Before it can go through any kind of sale DEP signs off, and remedial action has to be put in place. It is close to conclusion. The DEP has certain requirements that will have some impact on the proposed site plan. The DEP wants the concrete pad to stay in place. Whatever was dumped in the clay pit was done a long time ago. They have to bring it up where there are areas that are levels of exceedence of the current DEP standards. The DEP want to see a cap put in place. Mr. Joshi asked if the Meadowlands and the Board have no say in what happens to this. Mr. Bruinooge stated its essentially in DEP's hands now. Once this board signs off on the subdivision then he could perfect it at the county clerk's office. Little Ferry had the opportunity to participate in what went on at the Meadowlands Commission because the Municipality knew what was going on at the particular time. Once there is a final work plan there would be a deed notice. It will restrict the property to non-residential use. The engineering firms were not communicating with one another so the site plan was approved. The existence of the cap was presented but it was dealt with differently with what the DEP had in mind. Chairman Olivelli opened questions to the general public. No one approached. Chairman Olivelli entertained a motion to approve to sign off on the subdivision. Motion to approve was made by Mr. Anzalone, second by Mr. Cirillo. Roll Call: Mr. Anzalone, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Joshi, Abstained, Mr. Avillo, No-Mr. DiBlasio, yes-Chairman Olivelli, Abstained.

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

Mr. DiBlasio stated that about a year ago the board discussed if there were any applications coming before the board that was the same use that the Zoning Officer had the right to decide if they did not have to come before the board. Chairman Olivelli stated it that someone was going to come into the building with the same use then it could go before the Zoning Officer. If they were to change it in anyway then they were to bring it to the board or if there was a same use and there were any improvements that needed to be done to the building then they would bring it to the board.

Mr. Carrion stated that with the issue with the NJMC jurisdiction he would like to see the board be noticed not just the Mayor & Council. Mr. Joshi stated that he would like to have more information on that area. There are environmental issues there. You could go to the NJMC meetings as a citizen. Mr. Cirillo & Mr. Joshi stated to send a letter to the Mayor & Council and the NJMC to notify the Planning/Zoning Board of any jurisdictional issues for when the NJMC has meetings for the properties in their area so the board members could participate when it makes a difference for Little Ferry.

Chairman Olivelli entertained a motion to include the Press Journal as an added official newspaper of the Borough and the Planning/Zoning Board. Motion to approve the Press Journal was made by Mr. Cirillo, second by Mr. Joshi. All Ayes.

ADJOURNMENT: 8:30 p.m.