

**MINUTES
LITTLE FERRY PLANNING/ZONING BOARD
JULY 14, 2010
MEETING START 7:30 P.M.**

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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, 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
 James Cirillo
 Steven Gerard
 Ronald Anzalone
 Anthony DiBlasio
 George Carrion
 Alan Soojian
 Joseph Olivelli

Members Absent: AJ Joshi
 William Lenihan
 Anthony Pasqua
 James Avillo

Also Present: Attorney, Brian T. Giblin
 Clerk, Absent-James Cirillo as Clerk

APPROVAL OF MINUTES:

APPROVAL OF DENIAL OF RESOLUTIONS:

CORRESPONDENCE:

Date: June, 2010. From: State of NJ DEP, Re: CVS Flood Hazard area permit.

Date: June 16, 2010. From: Job & Job Engineering. Re: 38 Maiden Lane.

Date: June 16, 2010. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: June 16, 2010. From: Job & Job Engineering. Re: 85 Columbus Ave.

Date: June 24, 2010. From: Job & Job Engineering. Re: Camille Estates, Redneck Ave.

Date: June 24, 2010. From: Job & Job Engineering. Re: Camille Estates, Redneck Ave.

Date: June 28, 2010. From: Job & Job Engineering. Re: 38 Maiden Lane.

Date: June 30, 2010. From: Job & Job Engineering. Re: Pasqua, 28 Lamker Court.

Date: June 30, 2010. From: Job & Job Engineering. Re: 38 Maiden Lane.

*******Board members: The Planning/Zoning Board recommendation to the Mayor & Council for approval of the Green Acres Grant Application for Indian Lake Park which includes extending the walkway, drainage improvements at playground, solar lights and four (4) additional fountains.**

APPROVAL OF RESOLUTIONS:

Property Owner: D & L Enterprises 2010-5-1-P-9
Applicant: Earl Park
2-10 Main Street
Block 24, Lot 1
Informal Site Plan Application: Vacant. Wholesale store, fixtures, assembly & delivery.

Property Owner: Mr. Joseph Manente 2010-5-2-Z-10
86 Union Avenue
Block 66, Lot 2
Zoning Application: 2nd floor addition/Renovations.

Property Owner: Santi, David 2010-5-3-Z-11
7 Elizabeth Court
Block 67.01, Lot 15
Zoning Application: Install a 16' x 24' above-ground pool.

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. McCann on behalf of the applicant. They have exchanged some communication with himself and the engineer Mr. Job. At the present time the applicant is not desired to proceed any longer with the application and does realize that he has exceeded the limits of the pavers that he installed. He is willing to remove those pavers and restore the property to its original condition. Mr. Bolan stated that there seems to be some discrepancy from Mr. Jobs report. Mr. Cirillo stated he recused himself and is just the secretary this evening. No other paving has been completed, however the applicant had already exceeded the limit of what the permit was for and he will remove all of the paving stones which exceeded the limit in his original application and restore the property to its original condition. Mr. McCann discussed Mr. Jobs report. Mr. Bolan stated that the new survey will reflect what was there in 2007 plus the addition of the walkway. Mr. McCann stated that is correct. Chairman Olivelli questioned the improvements around the perimeter of the pool. Mr. McCann stated that they would be removed and no grading of the property was done. It's the same as when his client purchased the property and the same as in 1993. Mr. Cirillo stated that there were no brick pavers only the 3' around the pool with a partial area because the pool is an L shape so the left-handed L shape had a little more cement around it for a patio table and a few chairs. The grading went from the pool edging where it had the concrete and then it sloped by the front of the property where the front of the pool is by the diving board it was almost level and then where the drain is in the back it could have been a 2 ½ foot slope. It is not in the same condition now. Mr. McCann stated that they would restore the slope to the condition that it was. He has agreed to do all the changes and will submit a new as built survey when the job is complete. Mr. Cirillo stated that the shed was there when he purchased it 1999. Mr. Hlavaty stated he did not know he needed a permit for the screening. Chairman Olivelli opened questions to the general public. No one approached. Closed to the public. Mr. Giblin: your client is going to restore the property to the condition of the 2007 survey with the addition of pavers that were permitted and any additional work that did not need variances and they will also provide an as built survey to the Borough Engineer for comparison. Mr. Giblin stated to continue the application to the next meeting scheduled for August 18th and September 15th.

Property Owner: Baires, Oscar & Alma
66 Paroubek Street
Block 38, Lot 2

2010-6-1-Z-12

Zoning Application. Construct new duplex.

Mrs. Baires was sworn in. They plan to build a new house. They are going to knock down this house down. Mr. Oscar Alnoate was sworn in. They lived here for 14 years and it's a nice place to live and do not want to leave town. The needs more space. Ms. (inaudible) stated that her two children are sharing a room and they believe it would be

better and they like Little Ferry and participate in a lot of activities and want to continue to go to school here. Mr. Tony Perides was sworn in as the architect. They have no intention of leaving Little Ferry and came up with a duplex. The up and down works out better. There are 4 items that are preexisting conditions. There was discussion on the variances. They are proposing a 3 story house. There would be no basement. There was discussion on impervious coverage. Each side of the house would have a two-car garage, with a full bathroom, a small office; all utilities would be accessible from the garage, a play area in the back with sliding door accessible to the back yard. They do not want to see the play room turned into a kitchen. The first floor is an open living room, dining room, a small powder room, a large kitchen, a raised wooden deck off the back with sliding doors, the elevation of the deck is 9 feet. There would be central air. The compressors would be in the rear yard under the deck. Mr. Bolan stated that they should check if they are in the flood zone. It's an undersized lot and a very big house. It seems to be oversized for him. He is concerned with the possibility of an illegal apartment in the basement. The applicant liked this plan better. Mr. Bolan suggested removing the bathtub in the basement. Mr. Perides stated ok. Mr. DiBlasio stated the house is big for the neighborhood. Mr. Perides showed pictures of houses in the area. Mr. Perides felt that their house is not a detriment to the area. Mr. Bolan spoke on the flood zone and height possibilities. His suggestion is to check it out and come back next month and reducing the size. Mr. DiBlasio questioned the height of the houses in the area and it seems that the house is too big for the area. He mentioned the bay windows that encroach even more onto their neighbors. Mr. Perides stated that they would change it if need be. Mr. DiBlasio stated that they have more research to do being in the flood plain and may have to redesign the house. Mr. Gerard asked if they had flood issues in the existing house. Mrs. Baires stated yes they do. They have two pumps in the basement and they do get water down there. Mr. Alnoate stated the back yard also gets a lot of water. Mr. Gerard stated that these issues need to be addressed. Mr. Anzalone (speaking as a resident) questioned the base elevation and asked if they took everything out of the basement like a big garage. Mr. Bolan stated a garage is recognized as not subject to the elevation requirements but it would be ridiculous to have a 50' deep garage if it were all open space. It makes more sense to have a crawl space that could never be converted as to compared to an 8-9' basement. Mr. Anzalone stated to pull the windows in on the side. They do not want to go any higher than what the other houses are now. Mr. Carrion stated to check the flood issues in terms of elevations. Mr. Soojian questioned the reason for a bath downstairs. Mr. Perides stated for when they are outside and if they are dirty they could wash them so they don't go through the rest of the house. Chairman Olivelli stated that they need to go back to the drawing board and shrink the building. Play with the roof line, moving the windows, alleviating the playroom, bathroom and office, change the elevation and the plans are going to need to go to the Borough Engineer for drainage calculations. Mr. Perides stated that he needs to find out what the flood elevation is. Chairman Olivelli stated that the next meeting is August 18th, September 15th & 22nd.

Mr. Giblin stated that his notice is carried.

Property Owner: ARR Realty 152, LLC.

2010-7-1-P-13

Applicant: SDA Holdings, LLC.

152 Washington Ave.

Block 81, Lot 29

Informal Site Plan Application: Sale of Business only. Bar & Restaurant, Amusements, entertainment.

Mr. Frank Migliorino, Esq. on behalf of the applicant. This is a simple application. Just basically a change in code construction. He is buying into the corporation. No change whatsoever, no signage change, no building change, just a change in tenancy in the fact that you have a new corporation. He is basically buying into the liquor license. It's a neighborhood orientated place. Scott (last name inaudible) was sworn in. Anthony Riotto is the current owner now and is looking for a partner. He is going to be a business ownership. They do serve food now. Mr. Anzalone stated that he gets a lot of complaints from the neighbors with the noise especially at 2 or 3 am and to please do something about it. Mr. Carrion asked if the smoking was done in the front of the building and if the smoking can be moved. Mr. Soojian stated that the ash trays are at the side door. They suggested moving it to the rear of the building. Mr. Soojian questioned the paving. Scott stated it was to be done this week but it hasn't been done yet. Chairman Olivelli stated that the one thing that may help with the smoking is to not have chairs outside in the front or on the side. Mr. Cirillo stated to have the motorcycles move off the sidewalk and grassy area. Mr. Anzalone stated that he received complaints of burning rubber in the parking lot. Mr. Bolan stated that he did not see a permit application for repaving the lot or a striping plan. Scott stated that he would contact Anthony. Chairman Olivelli opened questions to the general public. No one approached. Closed to the public. Chairman Olivelli entertained a motion to accept or deny the application. Motion to approve was made by Mr. DiBlasio, second by Mr. Gerard. Roll Call: Mr. Bolan, yes-Mr. Anzalone, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

Chairman Olivelli stated that he would like to talk about the attendance of one of our members. This member has also missed 14 meetings for 2009 and all of 2010 meetings. He spoke to the Mayor about this matter and he checked with the by-laws. The by-laws state if a member misses 4 consecutive meetings that they could recall his resignation through the Mayor, a copy of the dates that he has missed, a vote from the board and then the Mayor could act accordingly.

Mr. Anzalone stated that everyone makes a conscious effort to be here month after month and to contribute and volunteer their time into the Borough and he feels it is important that we have a membership that shows up. If there is someone that is missing meeting after meeting it's not a good thing. He feels that we should move along with this. Mr. Carrion stated it does affect the board's regular attendance. Mr. Soojian stated no comment. Mr. Cirillo stated his comment falls with Ron and the only bad thing is that they are his neighbors and the board comes first. Mr. Bolan stated that he always lets Joe or the clerk know of his absence and the attendance record speaks for itself. This member has already decided that he does not want to participate and we just formalize the opinion that he is off. Mr. Soojian stated we need someone that is going to be here.

Chairman Olivelli agreed. Mr. DiBlasio stated that at times it may be strained but you make the most of it especially when you are coaching. You need to get someone who is going to be here. Mr. Gerard stated that you are preventing someone that could contribute and could be here from being here because that person is still listed as a board member. Chairman Olivelli entertained a motion to advise the Mayor & Council to have this person removed from the board. Mr. DiBlasio motioned to have the member declared removed from the board by the governing body, second by Mr. Gerard. Roll Call: Mr. Bolan, yes-Mr. Cirillo, abstained-Mr. Gerard, yes-Mr. Anzalone, yes-Mr. DiBlasio, yes-Mr. Carrion, yes-Mr. Soojian, abstained-Chairman Olivelli, yes.

Mr. Gerard questioned if we still needed to be concerned with the Mt. Laurel. Chairman Olivelli stated we still do. Mr. Giblin stated that nothing has happened yet. So far there is no legislation passed that we could rely on. COAH is an outgrowth of a law suit that was decided in favor of ---the Supreme Court determined that it was a constitutional right to have housing. So it isn't that the government created this program and can now take it away the court said you have to do this. Either there is going to be a COAH or we are going to go back to the time where the courts decided how many units we had to. Somebody is going to do it. Until they abolish it we have to continue with where we are going. We are in a law suit that will make us compliant. There is going to be a new zoning ordinance for the riverfront area that is going to bring us in compliance with COAH.

Mr. DiBlasio questioned if the Trobiano property on Route 46 was running a recycling yard. Mr. Bolan stated he didn't think they were doing anything in there.

Mr. Carrion asked if the building could have done something to advise the applicant that they have flood issues. It wastes the client's time and the board's time. The other issue is Value Fair they have everything sectioned off all the way in the back. Mr. Cirillo asked about the signs on the wall facing the lake. Chairman Olivelli asked about the parked vehicles. Mr. Bolan stated they were sent a violation. Chairman Olivelli stated that they are also parking 32 school vehicles on the lot. Mr. Bolan stated that Lukoil has a contract to repair some of them. Chairman Olivelli stated that where Rosies Diner used to be there is a repair place there with 10 to 15 cars with no plates on them. Mr. Bolan stated that he didn't think he was selling cars. Mr. Bolan stated he would look at it again. Chairman Olivelli stated that the car dealership that requested 14 cars has now changed the name of the business. Mr. Bolan asked if the resolution become binding on the current owner. Mr. Giblin stated yes. Mr. Bolan stated that if he is still the owner of the property and the license is still in his name. Mr. Giblin stated to check the name that is on the license.

Mr. Anzalone stated he spoke with Mr. Holley in Fire Prevention and he is starting to enforce the fire zones with the striping. Mr. Bolan stated that William Rudolph was advised to have a fire lane and Rudolph was going to comply but then it was to be striped. Rudolph wanted to get a paving permit to pave the roadway areas and if he paved those areas he would have needed site plan approval. Mr. Bolan stated that we are probably going to wind up with a court challenge.

Mr. Anzalone asked about the Atlas Plastics building if we could push them on it. Mr. Bolan stated he secured the area and has satisfied the requirement.

Mr. DiBlasio questioned if anyone heard anything on CVS. Mr. Bolan stated that he heard they were coming back without the subdivision. CVS has applied for another flood plain application. Mr. Anzalone stated he heard that they want to take out the drive through window and subdivision.

Mr. Bolan stated we do not have an ordinance in place to make the building that has been damaged in a fire and after a certain amount of time to restore it so it looks as though it's aesthetically pleasing.

They also had discussion on the old heaven is a spa building.

Chairman Olivelli entertained a motion to open questions to the general public. No one approached. Closed to the public.

ADJOURNMENT: