

**MINUTES
LITTLE FERRY PLANNING/ZONING BOARD
MARCH 17, 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
 Vice-Chairman James Cirillo
 Steven Gerard
 Ronald Anzalone
 William Lenihan
 George Carrion

Members Absent: AJ Joshi
 Anthony DiBlasio
 Anthony Pasqua
 Alan Soojian
 James Avillo
 Chairman Joseph Olivelli

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

APPROVAL OF MINUTES: **February 17, 2010.** Vice-Chairman Cirillo entertained a motion to approve the minutes as written. Motion to approve the minutes was made by Mr. Lenihan, second by Mr. Gerard.

APPROVAL OF DENIAL OF RESOLUTIONS:

CORRESPONDENCE:

Date: February 2010. From: Rutgers. Re: Planning & Zoning Administrative Registration.

Date: February 2010. From: Rutgers. Re: Zoning Administration & Enforcement Registration.

Date: February 9, 2010. From: Borough Clerk. Copy of Approved Resolution #69. Re: Designation of Additional Official Newspaper-The Press Journal.

Date: 2/22/10. From: John Lamb, Esq. Re: CVS. 200 Liberty St.

Date: 2/22/10. From: Borough Clerk. Re: Rights and Duties of a Volunteer in Local Government. Training class Thursday, March 18, 2010 at 7:00 pm.

Date: 2/24/10. From: Russo Development. Re: Notice of NJDEP Flood Hazard Area Individual Permit Application-PSE & G 101 Bergen Turnpike.

Date: 3/5/10. From: Job & Job Engineering. Re: Variance Application for Mr. & Mrs. Pasqua, 28 Lamker Ct.

Date: 3/5/10. From: John Lamb, Esq. Re: CVS. 200 Liberty St.

Date: 3/8/10. From: Job & Job Engineering. Re: IV Realty Corp., Industrial Avenue.

Date: 3/9/10. From: NJ Planning Officials. Re: Decision of Bill, S-82 and A-437. Review as you may want to adopt this resolution. Mr. Giblin stated that there is legislation pending that would change the time of the decision. Currently while it is pending or if it has been denied and went to the court and even if it went to the appellate division if the Borough changed the zone the new zoning is what would apply to the application. The legislation would change that and lock you in as the time the application was filed and that would be the zoning no matter what the municipality did. It cuts down on their ability to meet the circumstances as they arrive. It does hamper the town's ability to meet. The board wants to oppose it. Vice-Chairman Cirillo entertained a motion to send it back to the Mayor & Council that they oppose this bill. All opposed. All Ayes.

Date: 3/10/10. From: Borough Clerk. Re: Ordinance No. 1293-03-10-B-H Highway & Regional Business Zone.

APPROVAL OF RESOLUTIONS:

Property Owner: LIP Life
Applicant: Vevey Style Inc.
15 Liberty St
Block 76, Lot 10.01

2010-2-2-P-2

Informal Site Plan: Warehouse of scarves, belts and hats.
Vice-Chairman Cirillo entertained a motion to approve the resolution. Motion to approve the resolution was made by Mr. Anzalone, second by Mr. Lenihan. Roll Call: Mr. Anzalone, yes-Mr. Cirillo, yes-Mr. Gerard, yes.

Property Owner: IV Realty, Corp. 2010-2-3-P-3
Industrial Ave
Block 108.06, Lot 2
Planning Application: Approved by the NJMC. Proposed minor subdivision
Vice-Chairman Cirillo entertained a motion to approve the resolution. Motion to
approve the resolution was made by Mr. Anzalone, second by Mr. Lenihan. Roll Call:
Mr. Anzalone, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Lenihan, 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.
Received letter to adjourn to the April 14, 2010 meeting.
Carried to the April 14, 2010 meeting. Notice has been preserved.

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.
Carried to the April 14, 2010 meeting. Notice has been preserved.

Property Owner: Fedus, Howard 2010-3-1-Z-4
109-113 Route 46 East.
Block 20.01, Lot 79
Zoning Application: Movement of sign & lighting necessitated by condemnation of 8.5
feet frontage.

Property Owner: Ferraris, Pat 2010-3-2-Z-5
119 Route 46 East
Block 20.01, Lot 71
Zoning Application. Movement of sign & lighting necessitated by condemnation of 8.5
feet frontage.
Mr. Rat Murphy, Esq. on behalf of the applicants. Both of these matters are here because
of the NJ DOT is condemning an 8.5 strip across the in front of their property for the
widening of Route 46. They both own the properties for over 50 years and they are only
here for the condemnation. They would prefer that the properties not be taken from
them. It does not affect the buildings on the properties. The signs and lighting would
need to be moved. There are minor movements. There is no impact lighting on the rear
of the property. There are no proposed changes to the sign. Ferraris property is registered
with 44 vehicle parking spaces. The Fedus property is registered with 32 vehicle parking
spaces. The NJ DOT proposed to the town a reduction of spaces 44 to 41 on the Ferraris
and no reduction on the Fedus property. They reviewed it with all the engineers and

found that it was not a feasible plan. They determined that on the Ferraris plan there are 33 spaces and on Fedus there is a reduction to 32 spaces. Mr. Mathew Fox Professional Licensed Land surveyor and Engineer for the State Of NJ was sworn in. These two properties adjoin one another and are in condemnation for NJ DOT. The plans showed the existing and proposed. They discussed the ingress and egress of the properties, bulk schedules, square footage, lot area, lot coverage, lot width, lot depth, minimum front yard setback, side yard setbacks, minimum rear yard, minimum landscaped area, building height will remain the same, parking, property lines. Mr. Bolan stated on lot 71 they should only lose 7 cars but they are taking away 11 cars. Mr. Fox stated yes. He felt it was better ingress and egress. Mr. Murphy did not know of any prior resolutions for these properties. Mr. Bolan questioned the employee parking. Mr. Carrion stated that he is happy with the reduction and does not want his clients to come back in the future for more parking spaces. Mr. Fox stated that they have maximized the parking on the lot. Mr. Carrion questioned the garages. They are both vacant and not used for repairs. Mr. Murphy stated that they may want to renovate it to make it more appealing. No oil changes or tune ups would be done. The Fedus property has a greater reduction. The lot is paved. Mr. Bolan asked to have a marked space for employees. They may want to tandem some of the spaces. They are losing 8 vehicles. They are illuminated signs with shoebox lighting and would be on timers. Mr. Lenihan asked the condition of the buildings. Mr. Fox stated that they have not done an analysis on them. Before the taking are 32 spaces and after the taking would be 24. Mr. Cirillo stated it was 27 spaces three would be striped. Mr. Murphy stated the variance would have no negative impact on the property. Mr. Fox stated yes. Mr. Fox discussed the light pole, signs. There would be no lighting impact on the residents. Ferraris spaces. Right now there are 33 spaces. Three are for employee and customer. 30 are for sales and 3 are empty. On the Fedus lot there would be a total of 23 vehicles for sale and 3 spaces for employees. Vice-Chairman Cirillo opened questions to the public. No one approached.

Ms. Joan Fedus was sworn in. She stated that her family has owned the property for over 50 years. There is an operator on the site now. She is familiar with the condemnation. She stated that there are two curb cuts; the state is proposing curbs, sidewalk and grass. There is macadam there now. It's a small piece of property. They were not using the correct measurements for parking. With the reduction of the property it is a loss of income for the property owner and tenant. The existing building is a concrete block structure. It is used as an office. It's in very good condition. Mr. Lenihan asked if he knew when the state was going to start the work. Mr. Murphy stated he did not know. Vice-Chairman Cirillo opened questions to the general public. No one approached. Closed to the public. Mr. Miguel Baez was sworn in. Mr. Baez is the operator at the Fedus property. He has been there three years. He is aware of the condemnation of the property, the sign and light pole being moved. He agrees with the plan submitted. Mr. Baez stated that the structure is fine. Vice Chairman Cirillo opened questions to the general public. No one approached. Closed to the general public. Mr. Murphy stated that with the background of the circumstances and submitting the plans they want to do the right thing.

Vice-Chairman Cirillo entertained a motion to approve the applications as submitted. Motion to approve the Ferraris property site plan was made by Mr. Bolan that there would be 30 cars for sale and 3 spaces for customers and employees. the relocated sign

would be limited to the same size and the current one, the lights to be located would be shielded from residential properties, the sign would have to be off at 11:00 pm at the close of business, the fence between the neighbors would need to be repaired or replaced, the structure would be limited with no major repairs, second by Mr. Lenihan. Roll Call: Mr. Bolan, yes-Mr. Gerard, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Vice-Chairman Cirillo, yes.

Mr. Bolan entertained a motion to approve the Fedus property site plan with the following conditions. There are 24 spaces allocated for vehicles for sale, there are 2 spaces in tandem, the relocated sign is limited to the same size, the lights to be located would be shielded from the residential properties, the sign would have to be off at 11:00 pm at the close of business, the garage can not be used for major repairs, the fence at the rear of the properties be repaired or replaced, second by Mr. Lenihan. Roll Call: Mr. Bolan, yes-Mr. Gerard, yes-Mr. Lenihan, yes-Mr. Carrion, yes-Vice-Chairman Cirillo, yes. Amended site plans must be submitted to the board for approval.

ADJOURNMENT: 8:55 PM.