

MINUTES  
RE-ORGANIZATION MEETING  
OF THE  
LITTLE FERRY PLANNING/ZONING BOARD  
JANUARY 20, 2010

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, 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  
    AJ Joshi  
    Anthony DiBlasio  
    William Lenihan  
    George Carrion  
    Alan Soojian  
    Joseph Olivelli

Members Absent:                    Anthony Pasqua  
    Mayor Mauro Raguseo  
    James Avillo

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

APPROVAL OF MINUTES: December 9, 2009. Chairman Olivelli entertained a motion to accept the minutes as written. Motion to accept minutes were made by Mr. Joshi, second by Mr. Carrion. All Ayes.

APPROVAL OF DENIAL OF RESOLUTIONS:

Property Owner: Kenneth Scheeler 2009-11-1-P-21  
Applicant: Kadir Okatan  
D/B/A Under 70 Auto Sales, Inc.  
185 Route 46 East  
Block 18, Lot 39  
Informal Site Plan: To operate as a used car business. Submitted new revised site plan.  
Chairman Olivelli entertained a motion to approve the resolution as written. Roll Call:  
Mr. Anzalone, yes-Mr. Carrion, yes-Chairman Olivelli, yes.

APPROVAL OF RESOLUTIONS:

Property Owner: Glidden, Kevin & Michele 2009-10-1-Z-17  
71 Prospect Avenue  
Block 99.02, Lot 9  
Zoning Application: Construct rear addition to one family home.  
Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to  
waive the reading was made by Mr. DiBlasio, second by Mr. Lenihan. Roll Call: Mr.  
Cirillo, yes-Mr. DiBlasio, yes-Mr. Gerard, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Mr.  
Carrion, yes-Chairman Olivelli, yes.

Property Owner: Panchal, Dinesh & Nita 2009-10-4-Z-20  
23 Eckel Road  
Block 100, Lot 3  
Zoning Application: Add-a-level and a new deck. Revised plans.  
Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to  
waive the reading was made by Mr. Joshi, second by Mr. Gerard. Roll Call: Mr.  
DiBlasio, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Mr. Carrion, yes,  
Chairman Olivelli, yes.

Property Owner: Coffey, Cyril & Helen 2009-10-3-Z-19  
26 & 32 Beech Street  
Block 54, Lot 1  
Block 55, Lot 40  
Zoning Application: 1 ½ story addition with lot consolidation.  
Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to  
waive the reading was made by Mr. Joshi, second by Mr. Gerard. Roll Call: Mr. Bolan,  
yes-Mr. Cirillo, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Chairman Olivelli,  
yes.

Property Owner: Carlo Maramonte  
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.  
Carry to February 17th meeting.

2009-12-1-P-22

Property Owner/Applicant: Little Ferry Management Corp.  
191 Route 46 East  
Block 18, Lot 31

2009-12-2-Z-23

Zoning Application: Amended Application for expansion/alteration to building.  
Chairman Olivelli entertained a motion to waive the reading of the resolution. Motion to waive the reading was made by Mr. Joshi, second by Mr. Soojian. Roll Call: Mr. Bolan, yes-Mr. Cirillo, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. Lenihan, yes-Chairman Olivelli, yes.

MOTIONS FOR ADJOURNMENTS OF ANY SCHEDULED CASES & ANY OTHER MOTIONS: None.

UNFINISHED OR ADJOURNED HEARINGS OF APPLICANTS:

NOMINATION OF CHAIRMAN: Mr. Olivelli entertained a motion for nomination of the chairman position. Mr. Cirillo nominated Mr. Olivelli, second by Mr. Soojian.

NOMINATION OF VICE-CHAIRMAN: Mr. Olivelli entertained a motion for nomination of the vice-chairman position. Mr. Bolan nominated Mr. Cirillo, second by Mr. Gerard.

NOMINATION OF SECRETARY: Mr. Olivelli entertained a motion for nomination of the secretary position. Mr. Cirillo nominated Mr. Soojian, second by Mr. Lenihan.

Open Vote for Chairman, Vice-Chairman & Secretary: All Ayes.

APPOINTMENT OF ATTORNEY: Mr. Olivelli entertained a motion for a nomination of the attorney position. Mr. Olivelli nominated Brian Giblin, second by Mr. Cirillo.

NOMINATION OF CLERK: Mr. Olivelli entertained a motion for a nomination of the clerk position. Mr. Olivelli nominated Susan Gerber, second by Mr. Gerard.

SELECTION OF NEWSPAPERS: The Record & Star Ledger.

SELECTION OF PUBLIC MEETINGS, WORKSHOP MEETINGS AND INSPECTION DATES: Dates were approved.

Open Vote for attorney, clerk, newspapers & meeting dates. All Ayes.

ACTION ON ANY OTHER BUSINESS:

CORRESPONDENCE:

Date: November 24, 2009. From: EarthMark Mitigation Services, LLC. Re: Richard P. Kane Wetland Mitigation Bank, Carlstadt, and South Hackensack.

Date: December 8, 2009. From: Bergen County Soil. Re: Proposed CVS.

Date: December 12, 2008. From: Mr. Angelo T. Bracco, Re: Letter of concern regarding CVS.

Date: December 16, 2009. From: Mr. & Mrs. Nerio. Re: Update Survey for 154 Eckel Road. In-ground pool.

Date: December 21, 2009. From: Mr. & Mrs. Burns of 63 Indian Lake Rd. Re: Submittal of final updated property survey.

Date: December 21, 2009. From: Mr. Joseph Buonsanto of 41 Redneck Ave. Re: Submittal of final updated property survey.

Date: December 29, 2009. From: Job & Job Engineering. Re: Former Exxon Facility 319 Route 46 East.

Date: January 4, 2010. From: NJMC, Re: IV Realty Corporation/Technical Major Subdivision/ Industrial Avenue. Subdividing Block 108.06, Lot 2, into Block 108.06, Lots 2.01 & 2.02. Subdivision Plat is approved by the NJMC.

Date: January 5, 2010. From: NJPO, Re: 2010 Planning Officials Winter-Spring Agenda.

Date: January 7, 2010. From: Day Pitney, Re: CVS Meeting to be held on Wednesday, January 13, 2010 at the VFW Post 809 located at 100 Main St.

Date: January 11, 2010. From: TRC Raymond Keyes. Re: CVS Traffic Review.

Date: January 12, 2010. From: Job and Job Engineering, Borough Engineer Re: CVS Report.

Date: January 13, 2010. From: Elizabeth McKenzie, Board Planner Re: CVS Report.

Chairman Olivelli read all of the above correspondence. Open discussion on correspondence. None at this time.

HEARING OF NEW CASES/APPLICANTS:

Property Owner: Liberty Street Realty Corp.  
Applicant: First Hartford Realty/CVS  
200 Liberty St.  
Block 50, Lot 27  
Zoning Application: Minor Subdivision/Retail pharmacy use with a drive thru.

2009-9-5-Z-15

Mr. Carrion recused himself as he lives within 200 feet and was notice.  
Mr. Olivelli recused himself as he did construction work on the JTL pharmacy building.  
Mr. Cirillo recused himself, as he was question about the CVS meetings.  
Mr. DiBlasio was nominated Mr. Bolan to sit in as Chairman.  
There are six members available to vote.  
Tom Malman Esq. on behalf of the applicant.  
John J. Lamb, Esq on behalf of the concerned citizens of Little Ferry. He will give the board the names and address of the membership.  
Mr. Steven Sinisi Esq. on behalf of Gilbert Manor, LLC of Little Ferry.

Mr. Malman stated that he received Mr. Lamb's letter consisting of objections on why this application is deficient. Mr. Malman wishes to continue.  
Mr. Lamb stated that he would like any other board members to recuse themselves now before they get into the hearing, as the proceedings would be tainted due to the fact if they went to any prior meetings for this application. He distributed two letters C1 & C2. C1 is a letter from Mr. Malman indicating there was a meeting. He would like any member who attended that meeting to disclose it now. Mr. Giblin disagreed.  
Mr. Sinisi stated that the board members are the jurists and it is important if anyone attended these meetings. Mr. Malman stated that it was a meeting for the neighbors to come out and review the plans and then it opened to questions. Mr. Giblin again disagreed. Mr. Lamb asked Mr. Malman for a copy of the list of people if they signed in at these meetings. Mr. Joshi stated he went as a citizen to the January meeting. Mr. Lamb stated that Mr. Joshi went as a citizen and should recuse himself. Mr. Giblin disagreed. Mr. Lamb asked if anyone has a business interest with CVS? No one answered.  
Mr. Lamb stated that the application was not properly noticed. This zone permits neighborhood business. He felt a CVS was neither a local store nor a shop. It's a large store. He feels this CVS should be in the BH zone. The access is from the adjacent lot. It has several monitoring wells on it and a drainage system that goes through. He feels a different type of use variance is required. There must be public access from the street. He felt the development pattern was not good. He felt a parking variance is required. He stated that the architect plans do not include the mezzanine area. There is an incorrect amount of parking and needs a variance. He questioned if the lot complied with all of the zoning. A buffer strip variance would be needed. The evergreen visual screen was not provided. The driveway cannot exceed 30 feet. There are 9 variances required. The applicant provided 0 of them so the board has to determine if they are variances or waivers. He feels the applicant should apply for it.  
Mr. Sinisi stated that he feels it is important that where there is a notice deficiency it is jurisdiction. It would seem a waste of resources to proceed without taking a few steps

back. It does pay to what Mr. Lamb says. The obligation to notice is important. They covered the recuse area, the second is the notice and the third is the completeness of the determination and he feels that they have not seen anything showing a completeness of these plans. He feels the board is going to have to make the call on this one and he doesn't feel that they have supplied the proper information.

Mr. Malman stated that he does not believe that they require 9 variances. He feels it is a permitted use. The other lot is not part of this application and would be part of another application. It has proper access. The lot conforms to area and proper frontage. The lot is irregularly shaped. This lot has odd shapes. He feels they have the right amount of parking. He feels they comply with the landscape. The buffer they compose is adequate. There may have been an oversight on the driveway and would reduce the width. He feels that they have submitted a complete packet. The only thing they need is the architect letter. He expects to make revisions he deems it complete and to go forward.

Mr. Lamb stated that one of the characteristics is how much square feet is proposed. Every report says that it's a 12,900 sq. ft store. They forgot about 1700 sq. ft. This is a big application over 3 acres, substantial part of the township they did even get the sq. footage right. This would impact the parking. Mr. Lamb read Ms. McKenzie's report in regards to parking. Mr. Lamb stated that the storage is not on the plans. Mr. Lamb wants an application that is accurate. Mr. Giblin stated he is right and to review the landscape portion and it would clearly be a variance. He could reduce the driveway but this buffer needs to be noticed. Mr. Malman requested a 5-minute adjournment to discuss matters with his client. Mr. Malman stated that he prefers to put this application off to the next meeting. Mr. Giblin stated that he would like Mr. Malman to look at the parking variance, provide the board with the method of calculation, on the parking requirement and the number of employees, to look at the buffer, he may need to notice for the variance or provide the buffer that the ordinance calls for, the evergreen screening, if they are seeking a driveway width that exceeds the requirement and notice for it and amend the drawings, the others would be ok to bring out during the testimony with his witnesses that they comply with the ordinances, the board needs more information to proceed.

Mr. Lamb and Mr. Malman requested a special meeting to go forward. Mr. Joshi requested a special meeting for Wednesday, February 24<sup>th</sup> starting at 7:30 pm. All agreed. Mr. Bolan stated that the fire official has spoken stating that he does not want people standing in the audience. It's not the number of chairs. It's the number of people that are permitted in the room. It is set by the fire official. The audience stated to have the meeting in the school. Mr. Sinisi stated that the chart of the zone should be shown. Mr. Bolan stated he would look into a larger venue for the meeting and post it for the public. Mr. Giblin stated that they agree on behalf of the applicant that they waive any default approval that may accrue based upon the board not completing the application tonight. Mr. Malman agreed.

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.

Mr. Lenihan and Mr. Cirillo recused themselves from this application.

Mr. Galas was sworn in. Attorney name was inaudible. Attorney stated that that this is an application due to a permit that was to install pavers around the pool. Some areas of the rear property around the pool had rocks and were replaced with paving stones. He also would like to install paving stones on the side of the house to supply more parking for off street parking. Mr. Galas stated he took the stones out so no one got hurt and put in pavers. It also helped to control the weeds. Due to it being a two family they needed more parking area. The property had a lot of jersey shore stones and it was hard to control the weeds. Chairman Olivelli questioned Mr. Galas on the accuracy of the survey that was submitted. He was given a stop work order. Mr. Galas stated he did not continue the work. Mr. Bolan stated that Mr. Galas did not stop working. Mr. Joshi stated that he would like to see him decrease the coverage. Mr. Soojian stated to put in two pathways in for the vehicle tires. Mr. Cirillo was sworn in. Mr. Cirillo stated he was the previous owner and went over the modifications that were done. The attorney stated that they would accommodate the board's request to reduce the coverage. Chairman Olivelli felt he was way over the coverage allowed. Mr. Galas stated that he stopped the work when told. Mr. Bolan disagreed. Attorney stated that they concede that work was done without permission. He is looking for the board to grant the variances. Mr. Giblin questioned if they wanted to reconfigure the plans? Attorney stated that they would take the reduction and resubmit a new diagram and come to the March 17, 2010 meeting.

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.

Mr. Lopez was sworn in. Mr. Lopez stated he would like to open an office, which he does in home repair for various companies. He would also be doing his paperwork in the office. Chairman Olivelli asked how many employees and how many vehicles. Mr. Lopez stated just himself and just his vehicle, which is a truck. No flammables in the truck or office. He would like a sign and was directed to go to the building department. No office staff. He would be the only employee. No storage of material. He will take the truck home. It's a ford F-150. 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 was made by Mr. Bolan, second by Mr. Lenihan. Roll Call: Mr. Bolan, yes-Mr. Anzalone, yes-Mr. Cirillo, yes-Mr. Gerard, yes-Mr. Joshi, yes-Mr. Soojian, yes-Mr. DiBlasio, yes-Mr. Lenihan, yes, Chairman Olivelli, yes.

James Cirillo will check with the school to see if it would be available for the special meeting. Chairman Olivelli stated he would check about getting a stenographer.

Mr. Lenihan stated that the meeting was atrocious with all the screaming and yelling. Mr. Giblin stated that he spoke with Mr. Lamb to control his clients. Mr. Lenihan did not agree on trying to find a different place to have a meeting.

ADJOURNMENT: 9:45 PM.