

**MINUTES OF THE JANUARY 16, 2018 PLANNING BOARD  
REORGANIZATION AND REGULAR MEETING**

The following are the minutes of the January 16, 2018 Reorganization and Regular Meeting of the Planning Board of the Borough of Pompton Lakes that was held in the Council Meeting room of the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey and was called to order at 8:00 P.M.

Mayor Michael Serra read the Open Public Meeting Law Statement of Compliance and led participants in saluting the flag.

The following members were present: Mr. Andy Silverstein, Mr. Richard Fracaro, Mr. Steve Soojian, Ms. Anne Marie Michael, Mr. Brian Otto, Mr. Tim Troast, Dr. William Pendexter, Mayor Mike Serra and Councilman William Baig.

Also present were Andrew Brewer, Planning Board Attorney and Brinda Kostro, Secretary.

Mayor Serra administered the oath of office to the following board members: William Pendexter, Brian Otto and Anne Marie Michael.

**APPOINTMENT OF CHAIRMAN:**

Motion moved by Mr. Fracaro, seconded by Mr. Otto for the appointment of Andy Silverstein as Chairman of the Board.

**All voted in favor.**

**REORGANIZATION APPOINTMENTS:**

A motion was moved by Mr. Troast and seconded by Mr. Fracaro to appoint the following:

**Vice Chairman:** The appointment of Richard Fracaro as Vice Chairman of the Board.

**Secretary:** The appointment of Brinda Kostro as Secretary of the Board.

**Attorney:** The appointment of Andrew Brewer as Board Attorney.

**Engineer:** The appointment of Ralph Tango as Board Engineer.

**Official Newspaper:** The appointment of the Trends as the official Newspaper of the Board.

**Alternate Newspaper:** The appointment of the Herald as the alternate legal newspaper.

**All voted in favor.**

**Meeting Date & Time:** Motion moved by Mr. Fracaro, seconded by Dr. Pendexter to approve meeting dates and times. The Pompton Lakes Planning Board meets on the third

Tuesday of each month at 8:00 P.M. in the Municipal Building, 25 Lenox Ave, Pompton Lakes, New Jersey. Unless otherwise noted. **All voted in favor.**

Mayor Serra introduces Mr. Steve Edgellar who is to be sworn in as the Planning Board alternate at the next Council Meeting.

Motion to Adjourn Reorganization Meeting moved by Mr. Troast, seconded by Ms. Michael. **All voted in favor.**

### **REGULAR MEETING**

A roll call indicated the following members were present: Mr. Andy Silverstein, Mr. Richard Fracaro, Mr. Steve Soojian, Ms. Anne Marie Michael, Mr. Brian Otto, Mr. Tim Troast, Dr. William Pendexter, Mayor Mike Serra and Councilman William Baig.

#### **MINUTES:**

Regular Meeting Minutes dated December 19, 2017. Motion moved by Mr. Troast and seconded by Mr. Soojian to approve. **All eligible voted in favor.**

**CORRESPONDENCE:** None.

#### **APPLICATIONS:**

1. PB17-04  
Pie Holdings  
735 Hamburg Tpke.

Mr. Michael Rubin comes forward and introduces himself as legal representation for the applicant. Mr. Rubin describes the existing vacant building as a 1950's era building and the owners are looking to rehab the building to a modern building with tenants. Mr. Louis Salamone, Architect and Mr. Douglas Doolittle, Engineer come forward and are sworn in. Mr. Salamone states his qualifications and is accepted as qualified professional. Mr. Salamone states they are having retail and office space. He describes the changes proposed for the front of the building, and an approximate 1,000 sq. ft. addition to the rear of the building with elevators and handicapped entrance. Mr. Salamone explains if parking calculation was done according to leasable space, 50 spaces would be required and they have 55 spaces. However, the ordinance bases parking spaces on the total square footage which brings them 17 spaces shy of what is required. Mr. Salamone states he feels the calculation should not include areas that are not leasable, such as the elevator. Mr. Salamone explains the area to be added to the back of the building is non-revenue producing space. He continues to explain the 2 new elevators and states there is no other area to put them. Mr. Rubin points out they are keeping the original foot print of the building and adding the area for the elevators. Exhibit A-1 is presented containing 2 pictures and floorplans. Exhibit A-2 shows elevations and A-3 is pictures depicting before and after renditions. Mr. Rubin pointed out that there was a pre-existing drive thru window which they intend to continue to use. Mr. Rubin states he brought it up because currently the zoning prohibits drive thru windows. He explains he wants testimony stating it is a pre-existing non-conforming use that will be continued.

Mr. Salamone describes exhibit A-3 and points out there is a lot of property but the area in the back goes up at a 45% angle making it unusable. Mr. Solomone describes the front of the building as being metal and brick. Mr. Solomone is done with his testimony. Mr. Silverstein asks if there are any questions. Mr. Otto asks if the colors shown are to be the actual colors. Mr. Solomone says yes. Mr. Otto confirms there is a rear entrance to the retail. Mr. Otto asks if the rear addition is taking up any parking and if the drive-up window area has parking area. Mr. Solomone says the rear addition does not take up any parking and there is no parking on the drive-up window side. Mr. Rubin states they tried their best to fit more parking but due to the terrain and development, this is all there is. Mayor Serra asks Mr. Tango if there are any requirements in regard to the drive-up window. Mr. Tango says no, it is more of a traffic safety perspective. Mr. Tango points out the site plan does not conform to the architectural plan and further delineation such as striping and signage showing how to maneuver around the building, this due to one way circulation. Mr. Silverstein agrees. The Board has no further questions. Mr. Tango points out the differences in the entrances between the plans. Mr. Rubin says he will make the difference in the site plan and architectural plans compatible. Mr. Troast questions the elevators. Mr. Solomone states they are taking out an old elevator and replacing it with 2 new ones which are compliant. There are no further questions for Mr. Solomone.

Mr. Douglas Doolittle comes forward and states his qualifications and is accepted as a qualified professional. Mr. Doolittle explains the existing property and the rear of the property as steep and wooded, basically unusable. He explains the existing structure and states the plan is to put the addition on the back, change the entrance way and reface the front. They want to modernize the building adding a lobby and a storage area and by doing so it brings the required parking spaces to 73, they currently have 55 spaces with handicapped spots. Mr. Rubin confirms with Mr. Doolittle that the rear of the property is unusable. Mr. Rubin points out the 55 spaces are what was existing, they are not taking away any spaces and confirms with Mr. Doolittle that there is no room for any other spaces. Mr. Rubin states and confirms with Mr. Doolittle that the existing building is non-conforming and they are using the same foot print with the skin and the porticos being the only difference. Mr. Rubin asks about site lighting, Mr. Doolittle states it has not been addressed but they are willing to accept it as a condition. Mr. Rubin asks Mr. Doolittle about signage and points out they do not show a free standing sign. Mr. Doolittle agrees and adds that they read the ordinance about getting a free standing sign and points out an area that is possible. Mr. Rubin states to Mr. Doolittle that they would need to file a new plan that conforms and shows location of the sign. Mr. Doolittle agrees it can be done, using the parameters of the ordinance. Mr. Rubin asks if Mr. Doolittle has any comments regarding the Engineers report dated January 11, 2017. Mr. Doolittle states there are a couple things for which they may request waivers. He notes the signage which was discussed, the lighting which was discussed, and brings up the landscaping stating they have minor landscaping and are very limited to areas to add landscaping but will add whatever they can in small portions. Mr. Doolittle says the report calls for 11 shade trees, he states there is no way to get 11 shade trees and have them live but he will put on as many as possible. Mr. Silverstein asks that instead of jumping around from subject to subject, they start with page 1 Engineers report and move through Mr. Tangos' comments. Mr. Silverstein brings up comment 2 (a) which

addresses parking areas and setback. He asks what is going to be the delineation of the property lines. Mr. Doolittle explains there is a grade change to the property and a retaining wall on one side and striping the other side, it will not be left open. Mr. Silverstein states a line will not prevent people from driving all around. Mr. Doolittle points out a 6" existing curb and suggest possibly bollards with a chain. Mr. Silverstein brings up the variance for side set back and the accessory structure. Mr. Doolittle states they can make that go away, pull in the structure to the 15 ft. and use for parking space if need be. Mr. Silverstein states 10% of open space is required, Mr. Doolittle responds pointing to the back of the lot which is wooded is almost 50%. Mr. Tango states it is in the rear of the property and given the consideration of the parking variance he has no objection to leaving the spaces in place as opposed to removing some parking to facilitate the ordinance. Mr. Silverstein continues down the list of comments pointing out which ones have already been discussed, being signage of which nothing is on the plan, lighting which also is not included and he again brings up the left side which will need striping. Mr. Tango points out some of the comments reflect the waivers requested. Mr. Doolittle states he will list the 9 waivers on the plan. Mr. Tango asks if it possible to take the handicapped spots in the rear lot and flip them to the right side of the building, closer to the elevator. Mr. Doolittle says they can work with that. Mr. Silverstein asks if the Board has any questions. Dr. Pendexter questions storm drains. Mr. Doolittle states it drains to the highway and when they get to the County, they will have requirements. Mr. Soojian questions the County list, Mr. Silverstein reads the County requirements. Mr. Fracaro points out that the Fire Department suggested marking fire lanes. Mr. Silverstein confirms that the proposed use for the second level as being Medical. Mr. Rubin replies stating it will be what they can fit into the site, Office use in the conventional sense, not necessarily all medical due to the market of today, but it will not be retail. He adds they are not looking to subdivide the lower floor. There are no further questions. Mr. Silverstein asks the Board if they would like to move forward and approve the application with conditions that all they spoke of needs to be done or as Mr. Tango suggests, to carry the application to the next meeting to retain jurisdiction in regard to lighting etc. and review revised plans. Concerns regarding time frame with carrying over and the resolution were expressed. Mr. Brewer states he can have a resolution prepared for the Feb. 20<sup>th</sup> meeting. Mr. Tango says he will need the updated plans prior to Feb. 10<sup>th</sup>. Mr. Silverstein confirms with the Board that everyone is on the same page in regard to parking and the dates. Mr. Silverstein asks if any members of the public have questions. Ms. Sneha Banker, Pharmacist from Shopper's Pharmacy located at 750 Hamburg Tpke comes forward and is sworn in by Mr. Brewer. She asks Mr. Rubin if the lower level is going to be a Pharmacy as stated previously. Mr. Rubin answers, stating it is written in notices as pharmacy/retail to be flexible with the use due to the rental market. Ms. Banker points out that there are currently three pharmacies in that immediate area. Mr. Silverstein explains that if the use is a permitted use, they are powerless to stop a business in a permitted zone. Ms. Banker explains she understands that but was expressing concern for the amount of pharmacies in the area. Mr. Silverstein states he understands he comment. Mr. Hitesl Patel, owner of 750 Hamburg Tpke is sworn in by Mr. Brewer. Mr. Patel states as the owner of the property he is very concerned of the amount of similar businesses coming to the area. Again Mr. Silverstein states he

understands his concerns but is powerless. No further public comments or questions. Public session is closed.

Mr. Brewer announces the hearing is being carried to the February 20<sup>th</sup> meeting and no further notice is required.

Mr. Troast asks if it is not going to be a pharmacy, are they still keeping the drive up window. Mr. Rubin states that the drive up window may be feasible to some other retail.

**RESOLUTIONS:** None.

**NEW/UNFINISHED BUSINESS:**

**Master Plan:** Hybrid Industrial Zone Ordinance for the “Dupont Property” Mr. Silverstein points out the list of “next steps” for the Master Plan which were in member packets and explains the Hybrid Industrial Zone Ordinance was discussed at the sub-committee meetings and states he would like the Board to recommend to the Mayor and Council they adopt an ordinance to create the Zone, he then hands the meeting over to Mr. Brewer to explain the Ordinance he drew up. Mr. Brewer begins by stating the ordinance takes the conditional uses and changes them to permitted uses. He goes on to list the uses. Mr. Brewer brings up permitted accessory uses and structures referring to page 2 paragraph 2 of the Ordinance. Mr. Brewer states paragraph 3, Bulk requirements needs to be discussed with thoughts regarding the sizes of all and recommendations need to be decided. He explains the process and how the Board is giving recommendations. Ms. Michael question “recreation” as listed for one of the uses. It is clarified that the use is indoor recreation. Mayor Serra speaks correcting the tract of land called Dupont as Chemours, he also makes clear that after the first reading, the Mayor and Council can make suggestions back to the Planning Board and lastly, that in the area of the bulk requirements we need to go on the bigger side because they can always cut back smaller, it is to allow for more flexibility. Mr. Silverstein speaks with members on heights of buildings and property size. Mayor Serra and Dr. Pendexter both point out that the Borough does not set the standard, the DEP does that. Mr. Silverstein points out that changing the Zone gives Chemours and the DEP a base to clean to with the clean-up. Dr. Pendexter explains that the standards don’t necessarily mean the site gets “cleaned” but brought to an acceptable level. Mr. Soojian asks if the height of the structures could be conditional. Mr. Silverstein answers stating what they are trying to do, is make the minimum amount of approvals needed and if they go small it wouldn’t happen. There are concerns with the heights and the housing side of the tract. Mayor Serra points out the area of the permanent wells which is on the housing side and creates a buffer. Mr. Silverstein wants the Board to discuss the bulk requirements this evening and come up with some numbers. Dr. Pendexter asks of any contact with Chemours. Mayor Serra explains Chemours hired consultants regarding the tract and what they came up with was very similar to what we have here. He states all is agreed no residential and reminds everyone that Chemours is not saying what is going there, the EPA and DEP are telling Chemours. Mr. Otto asks about a solar farm. Mayor Serra says solar was spoken about but there is not enough solar area, wind generation is also a consideration. Mr. Otto expresses concerns of being able to generate interest in the tract. Mayor Serra states even though the tract is 500 acres only 70 acres of that is usable and reminds that there has been discussion of moving the DPW in the area. With that, Mr. Silverstein begins to read

what he has jotted down in regard to the bulk requirements to begin discussion. 10,000 sq. ft. minimum lot size, 100 ft. lot width, building height 45 ft., front yard setback 25 ft., maximum building coverage 75%, impervious 85%. Side yard setback is discussed amongst the members and 15 ft. is agreed upon and rear yard setback as 15 ft. Mr. Silverstein points out this is just a start and the ordinance can always be amended. Mr. Brewer states he can make the changes to ordinance and send it to Joe Ragno stating what the Board recommends, adding a resolution is not needed. Mayor Serra asks if anyone wants to add any other uses. There are none. Mr. Brewer will make the changes and send to Mr. Ragno.

Mr. Silverstein states building /lot coverage from the agenda will be discussed at the next meeting along with reducing the number of residential zones.

### **PUBLIC DISCUSSION:**

Mr. Silverstein opens the meeting to the public for discussion. Mr. John Keating of Fire Prevention Bureau comes forward and asks the Board if fire sprinkler systems are considered in applications. Mr. Silverstein answers saying that would be from the building department. No further questions or comments. Public session closed.

Mr. Silverstein adds a RDA update: Cardinal Café conceptual was approved and designated them as the developers. Preliminary plans were presented and they will be coming before the Board, but they have a lot of “homework” to do. Mr. Silverstein explains the plans for the café and the proposed seating. He expresses RDA concerns with entrance and ADA issues. Mr. Silverstein brings up the lot dimensions and how it is difficult to place trash dumpsters. He also brings up an ordinance where it states employees have to use a separate entrance than the customers. Mayor Serra reminds all that the RDA took care of the outside and they will come before the Board for the rest. . Parking issues were also brought up and Mayor Serra points out that even if they park in the back they have to walk around a block to get to the front of the building. Mr. Silverstein also points out it is not a pre-existing use, it is a new use.

Mr. Silverstein brings up the Windsor School parking situation and states it is currently a problem with the school bus routes/parking and neighboring properties. Mr. Brewer explains to the Board the legalities involved with the situation and the property owners. Mr. Baig mentions there is an MUA easement involved. Title 39 was mentioned by Mr. Silverstein as a possible condition and the ways to enforce the jurisdiction were discussed.

Dr. Pendexter asks if the Salvation Army Building is moving forward and says he heard the building was sold. Mr. Silverstein states they are ready to go and he has not been informed of a sale adding that per the RDA redevelopers agreement they (RDA) have to approve who it is sold to.

### **ADJOURNMENT:**

Motion moved by Mr. Soojian, seconded by Ms. Michael for the adjournment of the meeting at 9:45 pm.

---

Brinda Kostro, Secretary