

**MINUTES OF THE FEBRUARY 20, 2018 PLANNING BOARD
REGULAR MEETING**

The following are the minutes of the February 20, 2018 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.

Andrew Silverstein read the Open Public Meeting Law Statement of Compliance and led participants in saluting the flag.

Steve Edgeller was given Oath of Office by Mayor Serra.

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, Mr. Steve Edgeller, and Mayor Mike Serra.

Councilman Baig was excused.

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

MINUTES:

Reorganization Meeting Minutes dated January 16, 2018: Motion moved by Mr. Fracaro and seconded by Mr. Troast to approve. **All eligible voted in favor.**

Regular Meeting Minutes dated January 16, 2018: Motion moved by Mr. Fracaro and seconded by Mr. Soojian to approve. **All eligible voted in favor.**

CORRESPONDENCE:

1. Borough of Bloomingdale. Ordinance #3-2018. To amend Chapter 92, Zoning, Article XII "Schedule of Regulations", Section 92-55.1 "General Business Zone" of the code of The Borough of Bloomingdale.

APPLICATIONS:

1. PB17-04

PIE Holdings
735 Hamburg Tpke.

Mr. Silverstein points out this application was carried over from the January 16, 2018 meeting. Mr. Michael Rubin, Attorney, representing the applicant comes forward. Mr. Rubin states there were some changes suggested by Passaic County and Mr. Ralph Tango, he calls upon Mr. Douglas Doolittle, Engineer for the applicant to discuss the amended site plan and the changes made. Mr. Doolittle addresses 7 items listed on the County report first, saying the name on the labels of roads have been changed to read "Paterson Hamburg Turnpike", variations in widths have been noted. Mr. Doolittle points out drainage has been provided at each ingress and egress, and they added strip drains with 500 gallon seepage pits. Also provided is curbing and sidewalk detail. It is pointed out there are no bus stops located near the property so they do not need to be

indicated. He states they added 3 shade trees in the front. Mr. Rubin brings up previous testimony stating area was tight and there was not a fair chance of the trees living. Mr. Doolittle shows that they are placed on each side of the entrance so they have substantial room. He states that the County report is satisfied and now addresses Mr. Ralph Tangos' report. He points out item #2, pre-existing, non-conforming conditions that are listed and says they are listed as a variance, also stated was to provide 11 shade trees, he states it is not possible, however, they added 5 trees around the rear of the property and 3 in the front so they added 8 instead of 11. Mr. Rubin adds that they were able to alleviate the condition but not adhere to the full condition. Mr. Doolittle continues to item 3 stating the dumpster area was moved to the other side of the property eliminating that variance. Open space requirements was requested as a variance. He states the next item is landscaping for which they have a variance due to the property not having the area and being unusable and an existing condition. The 73 parking spaces required are also listed as a variance because they only have 55. Mr. Doolittle moves to item 4, lighting, he states they have done a lighting analysis and there will be a total of 8 on the building, 3 on the north side, 2 in the back, and 3 on the south side, all being the same. He points out they will not be a nuisance to neighbors or traveling public, and if it was a problem, it could be corrected easily. Landscaping and shade trees were mentioned again and stated they are requesting a variance. Mr. Doolittle brings up number 8, stating the discrepancy between the Architecture Plans and the Site Plans regarding left side entrance, Mr. Doolittle states the entrance on the Site Plans has been removed to match the Architecture Plans. Item 9 a, b & c have been listed as waivers requested. Mr. Doolittle states a 2 X 7 ft. sign has been added to the plans, which is 14 sq. ft. and is conforming. Mr. Rubin concludes stating these are the changes in relationship the County and Mr. Tangos' reports. Mr. Silverstein points out the Fire Department Report and asks if there is anything done in regard to the Report regarding markings, fire lanes and clear access for responding units. It is agreed it would be added to the resolution. Mr. Silverstein asks if members have any questions. Ms. Michael verifies the location of the handicap ramp. Mr. Brewer asks Mr. Tango if he is agreeable to the changes made by the applicant, which he says yes. Mr. Silverstein asks if the public has any questions, there are none, public session closed. He then turns to the Board again for questions or comments. There are none.

Mr. Silverstein asks for a motion to approve Site Plans and variances as amended for the application. Ms. Michael makes a motion, seconded by Mr. Troast.

Roll Call: Mr. Silverstein, Yes. Mr. Fracaro, Yes. Mr. Soojian, Yes. Ms. Michael, Yes. Mr. Otto, Yes. Mr. Troast, Yes. Dr. Pendexter, Yes. Mr. Edgeller, Yes. Mayor Serra, Yes.

All eligible voted in favor.

2. PB18-01

Pompton Five Associates Urban Renewal, LLC
223 Wanaque Ave.

Mr. Silverstein explains to the Board that this project has come before Redevelopment Agency, has been vetted and has an approved Redevelopers' Agreement. It is conforming with the Redevelopers' Agreement and is coming before the Board to review the Site Plan for comments. Mr. Steven Mlenak representing the applicant comes forward. Mr. Mlenak tells the Board the Ordinance for this area has been amended by Mayor and Council twice, which transcends to making this project fully conforming. He explains the project stating they are coming before the Board for Site Plan approval, no variances. He confirms that they have gone before the RDA and were approved. He states the project is to add 2 levels and be mixed use, resulting in 20 residential dwellings, one of which would be affordable housing. Mr. Mlenak states the parking ratio is at 1.4 per unit and brings up a licensing agreement with the Borough in regard to spaces in the Pond Hole Lot. Mr. Mlenak mentions a document which was vetted by our Engineers regarding an easement for the dumpster. Mr. Mlenak calls upon Engineer Mr. Michael Dipple who is sworn in by Mr. Brewer. Mr. Dipple states his qualifications and is accepted as an expert. Mr. Dipple explains the site plans which are 2 sheets, a site plan and lighting plan, dated 1/23/2018. He states the location as block 6300 lot 34 and describes the current structure. Mr. Dipple says the proposed will have 20 dwelling units. Mr. Dipple presents a colored version of the site plan which is marked exhibit A-1 which is dated 2/20/2018. He explains the coloring of the site plan so that the proposed is shown with a slightly different color than the existing structure. Mr. Dipple points out the zoning used to be DBD-1 and DRA-1. He then presents exhibit A-2 dated 2/20/18 which reflects the amended zoning and parking table after Ordinance 17-24 (Ordinance amending the Downtown Pompton Lakes Redevelopment Plan §190-84) was adopted. Mr. Dipple explains how the setbacks and lot width are compliant with the new ordinance. He states maximum building coverage and impervious coverage are no longer applicable with the new ordinance. Mr. Dipple points out minimum residential living space remains unchanged. Mr. Dipple speaks of the parking table stating the new ordinance requires 1.4 spaces per unit, and with the proposed being 20 units, brings the total to 28 spaces needed. He explains the parking can be licensed from the municipal lot. Mr. Mlenak and Mr. Dipple both state that the exhibits show compliance with the revised ordinance. Mr. Silverstein explains the revision of the ordinance to the Board as being a change in the redevelopment plan to make it specific for this project. Mr. Dipple moves on to page 2 of exhibit A-1, lighting plan, stating building mounted lighting was added on the Wanaque Ave. side and the rear of the building. There are changes to the trash enclosure to make it conform to the building style. Mr. Dipple speaks of the lighting analysis and describes the light fixtures as being attractive wall sconce style. Mr. Dipple is asked if he addressed the letter from the Fire Department regarding sprinklers, to which he replies, no, the Architect will address that issue. Mr. Silverstein asks the Board for comments or question. Ms. Michael brings up the tree on the sidewalk area in the front of the building expressing concerns for wheelchairs to navigate the sidewalk. Mr. Dipple replies stating it is an existing small tree and it is the municipal landscape. Mr. Soojian confirms with Mr. Dipple that existing parking is staying opposite the trash coral. Mayor Serra points out that handicapped parking is not next to the building. Mr. Tango states the applicant received e-mail with MUA approval and adds that any signage would go back before the RDA. The MUA letter dated 1-16-18, stating there is adequate water and sewer capacity was read and presented to the Board. Mr. Silverstein states the

Environmental Officer has no issues with the project, however, the Fire Prevention Officer has not approved the project due to open violations and he asks what is being done to clear the violations. Mr. Mlenak states the applicant is working to cure the violations and there is a meeting scheduled to address that. Mr. Silverstein asks Mr. Brewer to make that a condition. Mr. Silverstein brings up the Police Department letter stating concerns with parking explains due to the changes to the ordinance, it makes it not applicable. Mr. Dipple steps down and Mr. Jim Cutillo comes forward and is sworn in by Mr. Brewer. He states his qualifications and is accepted. Mr. Cutillo has 3 drawings dated 12/18/2017 which he states are duplicates of the drawings in the Board member packets. He explains the first page showing the 4 elevations. He explains they are keeping the existing façade of the building, and enhancing that with the 2 levels using similar materials keeping the design element. He states they are changing some windows on the second floor. Mr. Cutillo points out nothing is being done to the existing sides of the building and the 2 levels being added are recessed from the existing building. Mr. Silverstein tells the Board the RDA had several meetings and a subcommittee in regard to the structure, material and windows. Mr. Cutillo states the address will be indicated on the building and each commercial resident will go before the RDA for sign approval. Mr. Cutillo moves to the 2nd page which shows the existing levels, office space on left, 2 apartments, handicapped ramp in rear and an elevator which goes to all stories. Mr. Cutillo says the proposal is for the 3rd floor to be apartments. The next 2 floors are the new floors and will be all apartments, 20 in total. He points out the sizes of all the apartments and states they are ADA compliant. Mr. Mlenak asks Mr. Cutillo to address the note from Fire Prevention regarding the sprinkler room. Mr. Cutillo states the drawings have been revised from the originals, he goes on to explain that on the lowest level, in the back corner of the building, there is an existing sprinkler room. He points out a door shown on the plans which is accessed through a bedroom and it is not allowed and will be closed off and explains where another door will be. Mr. Silverstein asks the Board for comments. Mr. Otto asks where the rest room facilities are located which is pointed out by Mr. Cutillo. Mayor Serra clarifies the location of signs shown on the drawings. It was decided at the RDA meeting that signs would align with neighboring signs in regard to height. Mr. Edgeller questions the amount of storage units. Mr. Cutillo states there is some, but not 20. Ms. Michael asks what the ceiling in the hallway from the entrance to the elevator would be. Mr. Cutillo states it will be fully finished, fire rated with sprinklers and lights. Mr. Troast asks what kind of doors would be installed, Mr. Cutillo says they will all be ADA compliant. There are no more comments or questions from the Board. Mr. Silverstein opens the meeting to the public to address the Board on this particular application. Ms. Elisa Dichristina from Glow House Kids located at 227 Wanaque Ave comes forward and is sworn in. Ms. Dichristina states she and Kevin are business owners at 225 & 227 Wanaque Ave. and they have 3 comments with the project. She states they have water issues coming from 223, it comes from the side of the building and the roof which leaks through her roof and into her shop. She feels it seeps through the side of the building and she states her roof is only 3 years old. She feels that raising and elevating might affect the water damage and seepage. Her 2nd concern is the banging away and constructing and digging, stating she is in the entertainment sector industry and has families and children Friday through Sunday and her main entrance is through the back parking lot and she is concerned with safety. She

states late Friday afternoon to Sunday, it is a detriment having all that going on. Ms. Dichristina states she will lose business and revenue due to the hours of construction and asks that to be considered. Mr. Silverstein addresses her water comments saying he is unaware of the issue, Ms. Dichristina states the buildings are only 6 inches apart and believes the water is seeping through the building from the water runoff of 223 and is hoping proper drainage through engineering could be considered. She states she is high end and pulls from a lot of demographics. She doesn't want Moms from Franklin Lakes and Hoboken seeing dumpsters and construction stuff. Mr. Silverstein says they probably won't be building on Saturday and Sundays but they can't do anything about Friday construction. Ms. Dichristina says there is no fencing blocking off the construction area and she is concerned about the childrens' safety with construction equipment exposed. Mr. Tango is asked for a suggestion in regard to the issue, Mr. Tango suggests a temporary chain link fence around the construction area but in regard to the days of the week for construction, an ordinance for no weekend construction does not exist and there is no noise ordinance either. Mayor Serra states the fencing would be Borough property and that would need to be addressed. Mr. Mlenak says they had incorporated into the proposed draft a temporary construction area and states the applicant has a duty to limit dangers for the safety of others. He states the applicant is willing to accept a condition against construction on Sunday, but not Saturday. Saturday is a very busy and necessary day for construction. Mr. Silverstein states if they have an easement to where the construction can be, and within the fenced area, it will eliminate the problem of safety and people wandering into the construction area. He states there are no ordinances in regard to Saturday construction and it would be difficult to enforce. Mr. Silverstein addresses the water concern. Mr. Cutillo states he does not know where the water is coming from, but if it seeping in through the side wall of their building it indicates their building does not have the proper vapor barriers and needs to be looked at. Mr. Silverstein asks Mr. Cutillo if he could consider looking at the situation. Mayor Serra again says the staging and the fencing need to be addressed because of parking and other issues. Mr. Silverstein asks if any other members of the public would like to come forward, seeing none, public session is closed. There are no further questions or comments from the Board, Mr. Silverstein asks for a motion to approve PB18-01, 223 Wanaque Ave. Mr. Fracaro makes a motion, Mr. Edgeller seconds.

Roll Call: Mr. Silverstein, Yes. Mr. Fracaro, Yes. Mr. Soojian, Yes. Ms. Michael, Yes. Mr. Otto, Yes. Mr. Troast, Yes. Dr. Pendexter, Yes. Mr. Edgeller, Yes. Mayor Serra, Yes.

All eligible voted in favor.

RESOLUTIONS:

1. PB17-04

PIE Holdings
735 Hamburg Tpke.

Mr. Brewer reads the Resolution. (In an attempt to expedite the process, Mr. Brewer had created a resolution which would be amended reflecting tonights' testimony and voted on

this evening.) He states the Board will vote on memorializing the Resolution as amended. Mr. Fracaro makes a motion, Ms. Michael seconds.

**Roll Call: Mr. Silverstein, Yes. Mr. Fracaro, Yes. Mr. Soojian, Yes. Ms. Michael, Yes. Mr. Otto, Yes. Mr. Troast, Yes. Dr. Pendexter, Yes. Mr. Edgeller, Yes. Mayor Serra, Yes.
All eligible voted in favor.**

CONCEPTUAL: None.

NEW/UNFINISHED BUSINESS:

1. Mr. Silverstein states there was a Master Plan sub-committee meeting earlier addressing building and lot coverage. Also, issues with zones and a need to consolidate zones, there are 9 zones and some don't even exist, we will need to reduce to 4 or 3 residential zones.

PUBLIC DISCUSSION:

Mr. Silverstein opens the meeting to public discussion.

Mayor Serra speaks stating he has concerns with the parking spots and staging of the construction site. Mr. Silverstein says we will figure it out.

Mr. Silverstein asks if any members of the public would like to speak. There are none. Public session closed.

ADJOURNMENT:

Mr. Soojian made a motion to adjourn the meeting at 9:10 pm and seconded by Mr. Troast. **All voted in favor.**

Brinda Kostro, Secretary