

**Township of South Hackensack  
PLANNING BOARD  
October 19, 2009  
7:00 p.m.  
MINUTES**

At 7:40 p.m. this meeting was Called to Order. Pursuant to the Open Public Meetings Act, adequate notice of this meeting was provided to The Record and The Herald News and by posting a copy of the meeting notice on the bulletin board in the clerk's office where notices are customarily posted.

The Acting-Chairman led the Flag Salute.  
The Acting-Secretary called the Roll.

**Members Present**

Frank Capolupo  
Rosina Romano  
Frank Cagas  
Butch Walsh  
Anthony Vigilante  
Vincent Stefano  
Pat Spadavecchia  
Evelyn Stefano -- Acting Secretary  
Ralph Chandless -- PB Attorney

**Members Absent**

Greg Maceri  
Ray DeRiso

**Minutes**

Butch Walsh motioned; Vigilante seconded to approve the Minutes of the September 21, 2009 Special Meeting. All in favor.

**Old Business**

**Memorialize Resolution**

**PB#2009-01 -- Naturex**

Site Improvements/ Bldg. Addition

B 29 Lot 1 -- 375 Huyler Street, South Hackensack

B 306 Lot 5 -- Teterboro

Attorney Ralph Chandless indicates the previous resolution that was circulated to the board members and engineer, has been revised. As per our engineer, Elliot Sachs from Boswell request. Mr. Sachs requested a revision on page 5, last paragraph to change a page number to LP1. He also requested a typo deletion on page 9. Mr. Chandless confirms that the changes have been made and the resolution is exactly as presented to the membership. Mr. Chandless ask if any the board members have questions and would like him to read the resolution at length. Board members indicate they received the revised resolution and the revisions are in compliance. Chairman, Vincent Stefano requests to make a motion to adopt; Spadavecchia motioned,

providing that all conditions are met, such as, the drainage & lighting plans, with the approval of our engineer Elliot Sachs; Vigilant seconded to **Memorialize the Resolution for Naturex at 375 Huyler**, All in favor.

**Open to the Public**

Stefano motioned; Cagas seconded to. All in favor.

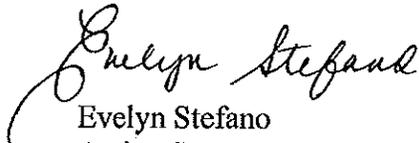
Mr. Chandless request for the record that there is (1) one member of the public present but has no comment.

**Close to the Public.**

Stefano motioned; Spadavecchia seconded to All in favor.

- At 8:00 p.m. Stefano motioned; Cagas seconded to adjourn the meeting. All in favor.

Respectfully Submitted,



Evelyn Stefano  
Acting Secretary

**RESOLUTION NO. 2009-**  
**PLANNING BOARD OF THE TOWNSHIP OF SOUTH HACKENSACK**  
**DATED: OCTOBER 19, 2009**

**MEMORIALIZATION OF THE APPROVAL**  
**OF THE SUPPLEMENTAL APPLICATION FOR SITE PLAN APPROVAL**  
**AND VARIANCES**

**APPLICATION OF:** Naturex, Inc.

**APPLICANT'S ADDRESS:** 375 Huyler Street  
South Hackensack, New Jersey 07606

**APPLICANT'S ATTORNEY:** James L. Lott, Jr., Esq.  
Riker, Danzig, Scherer, Hyland & Perretti, Esqs.  
One Speedwell Avenue  
Morristown, New Jersey 07962  
973-538-0800

**PREMISES:** Lot 1 in Block 29 & Lot 5 in Block 306  
375 Huyler Street  
*(Also, Lot 5 in Block 306, Borough of Teterboro)*

**OWNER OF PREMISES:** IVM Corporation  
c/o Voldemar Madis  
2 McClanathan Ave.  
Blossvale, New York 13308

**DATE OF SUBMISSION:** August 5, 2009

**DATE DETERMINED COMPLETE:** September 21, 2009

**DATE OF PRESENTATION:** September 21, 2009

**SITE AND/OR SUBDIVISION:** Mader, Smyth, Buyyounouski & Associates, entitled, "Proposed Site Improvements/Building Addition(s) Naturex, 375 Huyler Street, South Hackensack, NJ" consisting of the following:

<u>No.</u>	<u>Description</u>
SP-1	Site Plan, rev'd. through 9/3/09
SP-2	Site Plan Data, rev'd through 9/3/09
SP-3	Site Plan Details
SP-4	Site Plan Details
SP-5	Site Plan Details
SD-1	Grading & Utility Drainage Plan, rev'd through 9/3/09
SD-2	Grading & Utility Drainage Details
SE-1	Soil Erosion Plan, rev'd through 9/3/09
SE-2	Soil Erosion Details, rev'd through 9/3/09
LP-1	Landscape Plan, revised through 9/3/09
L-1	Lighting Power/Signal Plan, rev'd through 9/3/09
A	Partial Floor Plan & Elevation, rev'd through 9/3/09
B	Sections & Floor Plan
C	Partial Site Plan & Sign Detail

**DATED:** January 13, 2009, except as otherwise noted

**PLANNING REPORTS:** Boswell McClave Engineering

**DATED:** August 12 & September 15, 2009

**APPLICATION:** Final Site Plan Approval  
Variances from the following:

1. Restriction on parking in the front yard (§208-7 F[1])
2. Number of parking spaces (§208-7 F[2, 3 & 4])
3. Fence in front yard (§208-7 K[2])
4. Parking stall size requirement
5. Maximum lot coverage (§208-7 B)

**DECISION:** Granted subject to compliance with the conditions contained herein

**WHEREAS**, this matter came before this Board for public hearing on September 21, 2009, upon the aforesaid application, and

**WHEREAS**, James L. Lott, Jr., Esq. of the firm of Riker, Danzig, Scherer, Hyland & Perretti, Esqs., of One Speedwell Avenue, Morristown, New Jersey, appeared for the above referred to applicant and presented this application, and

**WHEREAS**, by the time of the hearing, it appeared that all of the requirements in respect to the submission of such an application had been met and any prior requirements imposed upon the applicant by the Township Engineer had been fulfilled and it further appearing on its face that the application was complete and therefore was ready for full and complete presentation upon a public hearing, and

**WHEREAS**, the Township Engineer had prepared and presented his report describing the application as follows:

Within the South Hackensack portion, the existing premises are located in the 'C' Industrial Zone. The South Hackensack portion of the site makes up about 75% of the whole site whereas the remainder (southwestern portion) is situated within the Borough of Teterboro's 'C' Zone. The proposed improvements are situated within both South Hackensack and Teterboro portions of the site.

The site currently contains a five-story masonry and steel building fronting on the western side of Huyler Street and the southern side of the Interstate Route 80 Right-Of-Way. The existing lots surrounding the non-street sides of the building consist of a mixture of paved and gravel parking areas, industrial buildings, isolated wooded areas and drainage ditch, and along the southern portion of the site, railroad tracks.

The building's principal uses are the manufacture and distribution of plant extracts for the nutraceutical (nutritional supplements) and food industries worldwide.

The Applicant is seeking approval to remove an existing building, enclose a loading dock situated on the south face of the building, construct a 31 ft x 14 ft ± addition at the northwest corner of the existing building and a 90 ft x 10 ft ± addition located on the southeastern portion of the building, install concrete curbing; re-stripe traffic directions and parking stalls within the parking lot and install landscaping, lighting and drainage. Other improvements include the installation of a 6ft high fence with remote controlled gates around the property, security turnstile with canopy, welded wire fencing and a retaining wall.

**WHEREAS**, this Board heard the matter, as follows:

The attorney for the applicant introduced himself and called Kenneth Buyyounowski, a principal in the firm of Mader Smyth Buyyounowski & Associates, Architects, Engineers and Planners, of Teterboro, New Jersey, and

Mr. Buyyounowski was duly sworn in and the Board took note of the fact that he had been previously qualified as an expert architect and planner. Mr. Buyyounowski described the location and current condition of the premises. He described the proposed site improvements to be undertaken in this phase of the improvements to the premises formerly known as Dr. Madis Laboratories. The new improvements will include:

- (1) A concrete apron between the entrance driveway and Huyler Street;
- (2) The removal of the current boiler building and incinerator which is in front of the existing main structure and its replacement with an additional parking area;
- (3) The pavement of all parking areas and curbing around all of them;
- (4) The installation of landscaping in much of the vacant area and in the islands created by the curbing;
- (5) The installation of perimeter fencing;

- (6) The installation of pole mounted lights; and
- (7) The addition of a third loading dock on the westerly and southern facade.
- (8) The enclosure of the current loading dock on the south face of the building.
- (9) The construction of an addition of approximately 90 ft. x 10 ft. to the southeastern portion of the building.
- (10) The construction of an addition of approximately 31 ft. x 19 ft. to the northwestern corner of the building.
- (11) The re-striping of all parking stalls and traffic indicators within the parking lots and driveways.
- (12) The installation of site storm-water drainage as may be hereafter required by the Township Engineer.
- (13) The installation of a remote controlled security gate and turnstile with a key or card devise to be provided to the Police Department.
- (14) The extension of the existing building canopy.

At this point, the Township Engineer advised that the Mayor was meeting with railroad officials in respect to the possible removal of the tracks in Huyler Street.

Mr. Buyyounowski referred to the landscaping shown on drawing LP1 of the site plan and described the dense planting at the entrance and in all of the islands of the parking lot, in neither of which location planting presently exists. He indicated that presently the property is mostly lighted from lights on the building but that now lights would be scattered throughout the property.

The engineer interjected that he will require a review of the present and newly proposed drainage and site lighting but that the resolution can be conditioned upon his satisfaction of those plans.

Mr. Buyyounowski indicated that the new operator of the premises, Naturex, was improving the entire premises. Most significantly among the improvements is the installation of a new wet scrubber to reduce odors emanating from the processing of botanicals.

Mr. Buyyounowski stated that the current loading docks on the front of the building to the left of the front door would be closed off, the canopy which extends approximately 10 feet from the front wall will serve as the roof for a new extension and a matching extension will be added to the front wall to the right of the main entrance. The new loading dock will be installed further to the west on the front wall. The recycling area will be enclosed with hedges.

Mr. Buyyounowski also indicated that the new scrubber will be installed in a new enclosure on the rear or north side of the building adjacent to Route 80. Its location will require a side yard variance. The increase in building area resulting from the new enclosures along the front facade and the scrubber enclosures on the rear result in the need for a lot coverage variance. The current 55 parking places will be maintained but, nevertheless, a variance will be required in relation to the increased area of the building. The new parking stalls will be only 9 feet by 18 feet, thus requiring a variance.

Raymond De Riso, the Zoning Enforcement Officer, stated that the building requires further cleaning. Mr. Gonthier stated that the entire building had been cleaned and three panels of its exterior facade had been replaced.

**WHEREAS**, upon opening the meeting to the public, there was heard no comment, and

**WHEREAS**, based upon all of the foregoing, this Board has concluded as follows:

1. The Applicant has adequately responded to all the issues raised in the report of the Board's Engineer and to all of the issues raised during the hearing.

2. The site plan together with the stipulations made on behalf of the applicant satisfactorily complies with or addresses all of the requirements of Chapter 192 entitled "Site Plan Review" of the Code of the Township of South Hackensack which this Board perceives applicable to the proposed development and is in conformity with the general Zone Plan and the Zoning Ordinances of the Township of South Hackensack.

3. The location of this particular property in relation to the adjacent roadways, its grade and the location of lawfully existing structures thereon constitute peculiarities inherent in the land that render its development unduly difficult unless the variance relief which the applicant seeks is granted.

4. The grant of the variances sought will not constitute a substantial detriment to the public good and will not substantially impair the intent or purpose of the Zone Plan or Zoning Ordinances of the Township of South Hackensack.

**WHEREAS**, at the conclusion of the hearing, Mr. Stefano made a motion to approve subject to the usual conditions, the condition for drainage and site lighting approval by the Township Engineer, the condition that the Fire Department be satisfied and the requirement of a supplemental Developer's Agreement if the engineer so requires and to direct the preparation and presentation of this Resolution. Mr. Capolupo seconded the motion and all members present voted in favor thereof.

to conditionally approve the said application

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of South Hackensack that the approval granted to the aforesaid application for final site plan approval and variances be and is hereby granted subject to and conditioned upon each and all of the following:

1. The approval by the Township Engineer of the storm water drainage system and the existing and proposed site lighting. Such compliance shall be subject to the supervision of the said engineers and, when completed, shall be evidenced by certification of that compliance by the said engineers.

2. Full and complete compliance with all applicable Zoning Ordinances unless a variance therefrom has been specifically granted.

3. Full and complete compliance with all applicable provisions of the Construction Codes and all applicable provisions of its various Sub-Codes.

4. Complete compliance with all of the terms and conditions contained in the above referred to reports of Boswell McClave Engineering dated August 12, September 15, October 1, and October 7, 2009. Such compliance shall be subject to the supervision of the said engineers and, when completed, shall be evidenced by certification of that compliance by the said engineers.

5. If the Engineer so requires, entry into a further or supplemental developer's agreement with the Township of South Hackensack in accordance with all ordinances governing the same and in such form as the attorney for this Board shall propose subject to the further approval of the Township Attorney as to its form.

6. Review and final approval by the Bergen County Planning Board.

7. Submission to the Bergen County Soil Conservation District and receipt of a written report approving the project or written certification by it of exemption from its review.

8. Submission to the Fire Safety Official of the Township of South Hackensack and receipt of written certification that the application complies with all of the applicable provisions of the New Jersey Uniform Fire Safety Act, all as provided in the Code of the Township of South Hackensack and complies with his requirements in respect to driveway widths, turning radii and emergency access.

9. Submission to the Police Department and receipt of written certification that it approves of the parking lot configuration, the proposed entry way and emergency access through the proposed gate facility.

10. Substantial completeness of the entire development within one (1) year of the date hereof, it being deemed that the conditions under which this application is approved may have changed by the expiration of that period.

11. Full and complete compliance with the approved plans without any material deviation whatsoever except as specifically provided herein; in the event that there is required any deviation from the approved plans which the Zoning Officer deems to be a material deviation, the applicant must seek approval from this Board for such deviation upon a written application therefor and upon public notice of such application as is required of all other development applications and, for such purposes, this Board retains jurisdiction of this matter.

12. The acknowledgment by the applicant that it is responsible for having determined the nature and extent of this application and its further acknowledgment that, if it may be hereafter

determined that the application herein approved was in any way deficient and that any relief or approvals required by the applicant for the development of the premises and conduct of the use for which approval was sought requires further applications or relief, the Township of South Hackensack shall not be deemed by this approval to have waived its rights to require such further applications or relief.

13. Acknowledgment by the applicant that it shall continue to maintain with the Township of South Hackensack an escrow sufficient to abide all of the current and reasonably anticipated future charges incurred by the Township in connection with this application and in connection with the development of the premises as approved herein at least until the grant of a final Certificate of Occupancy for the proposed development; such escrow shall be held under the same terms and conditions as the current escrow and shall be promptly supplemented upon notice to the applicant from the attorney for this Board or the office of the Township Treasurer when and if the need to so supplement the same is reasonably anticipated.

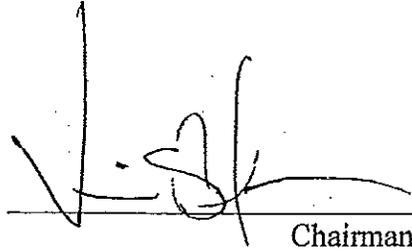
MOVED: *Pat Spadavecchia* (Pat Spadavecchia)

SECONDED: *Anthony Vigilante* (Anthony Vigilante)

**Roll Call on the Motion:**

Mayor Rosina Romano, Class One	<u>abstained</u>
Raymond DeRiso, Class Two	<u>out</u>
Gregorio Maceri, Class Three	<u>out</u>
Frank Cagas, Class Four	<u>yes</u>
Frank Capolupo, Class Four	<u>yes</u>
Vincent Stefano, Class Four	<u>yes</u>
Butch Walsh, Class Four	<u>yes</u>
Pat Spadavecchia, Class Four	<u>yes</u>
<i>Anthony Vigilante, Class four</i>	<u>yes</u>

Date: October 19, 2009

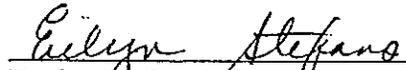


---

Chairman

I hereby certify that the foregoing is a true copy of the resolution of the Planning Board of the Township of South Hackensack duly adopted in this matter on October 19, 2009.

Date: October 19, 2009



---

Evelyn Stefano, Planning Board Secretary