

**Township of South Hackensack
PLANNING BOARD
February 17, 2009
7:30 p.m.
MINUTES**

At 7:35 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
Greg Maceri
Vincent Stefano
Ray DeRiso
Pat Spadavecchia
Butch Walsh
Evelyn Stefano – Acting Secretary
Barbara Nemchek – Boswell Engineering
Ralph Chandless – PB Attorney

Members Absent

Frank Cagas

Oath of Office

Re-Organization

1. Resolution 2009-01 Secretary – Romano motioned; Maceri seconded to appoint Evelyn Stefano as Secretary to the Planning Board. All in favor. Stefano Abstained.
2. Resolution 2009-02 Attorney – Romano **motioned**; DeRiso seconded to appoint Ralph W. Chandless Jr. from Chandless, Weller & Kramer as legal counsel and to authorize the professional contract for those services. All in favor.
3. Chairman – Walsh **motioned**; Spadavecchia seconded to appoint Vincent Stefano as Chairman to the Planning Board. All in favor.
4. Vice-Chairman – Romano **motioned**; Maceri seconded to appoint Butch Walsh as Vice-Chairman to the Planning Board. All in favor.

Minutes

DeRiso motioned; Romano seconded to approve the Minutes of December 29, 2008. All in favor.

February 17, 2009

Correspondence

No correspondence to be discussed

Old Business - Memorialize Resolution

Mahopac Partners

450 Huyler Street

Block 23.01 Lot: 2.01

PB#2007-02A

The board members indicated that the revised plan has to be submitted according to the stipulations of the resolution.

DeRiso motioned to memorialize the resolution for Mahopac Partners; Spadavecchia seconded. All in favor. Cagas & Walsh abstained.

New Business

There was no new business

Adjournment

At 8:03 p.m. Walsh motioned; Maceri seconded to adjourn the meeting. All in favor.

Respectfully Submitted,

Evelyn Stefano
Secretary

February 17, 2009

PLANNING BOARD OF THE
TOWNSHIP OF SOUTH HACKENSACK
February 17, 2009

RESOLUTION NO. 2009-01

APPOINTMENT OF THE BOARD
SECRETARY, A SALARIED NON-
CONTRACTUAL APPOINTMENT, FOR THE
YEAR 2009

WHEREAS, this Body requires the services of a Board Secretary, and

WHEREAS, N.J.S.A. 40A:55D-24 provides that a Planning Board may appoint such person qualified to render those services, and

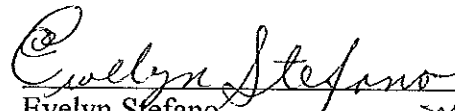
WHEREAS, this Board has considered the qualifications of Evelyn Stefano of 75 Grove Street, South Hackensack, N.J., as Board Secretary and desires to appoint her to that position,

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of South Hackensack that the said Evelyn Stefano be and is hereby appointed to the position of Secretary of this Board for the year 2009, and

BE IT FURTHER RESOLVED that this appointment be made known to the Township Committee of the Township of South Hackensack with the recommendation that she be engaged and compensated under the Salary Ordinance of this Township accordingly.

I hereby certify that the foregoing is a true copy of the resolution of the South Hackensack Planning Board duly adopted in this matter on February 17, 2009.

Date: February 17, 2009


Evelyn Stefano
Planning Board Secretary

**PLANNING BOARD OF THE
TOWNSHIP OF SOUTH HACKENSACK
February 17, 2009**

RESOLUTION NO. 2009-02

**APPOINTMENT OF THE BOARD
ATTORNEY FOR THE YEAR 2009 AND
AUTHORIZATION OF PROFESSIONAL
CONTRACTS FOR THOSE SERVICES**

WHEREAS, this Body requires the services of a Board Attorney, and

WHEREAS, N.J.S.A. 40A:55D-24 provides that a Planning Board may engage the services of such persons qualified to render those services, and

WHEREAS, this Board has considered the qualifications of Ralph W. Chandless, Jr., as Board Attorney, and desires to appoint him to that position, and

WHEREAS, the Local Public Contracts Law authorizes the award of contracts for professional services without competitive bidding, and

WHEREAS, this Board has determined that the compensation to be paid to such attorney may exceed the sum of \$17,500.00, and

WHEREAS, the said attorney has been notified of the obligation to file a Business Entity Disclosure Certification as required by the New Jersey Pay-to-Play Law and further notified that his contract will prohibit the making of any reportable contribution to a political or candidate committee of the Township of South Hackensack throughout the term of the contract as provided in that law,

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of South Hackensack that Ralph W. Chandless, Jr., having his office at 237B Boulevard, Hasbrouck Heights, New Jersey 07604, be and is hereby appointed as Attorney to this Board for the year

2009,

in consideration of a yearly retainer of \$2,500.00 together with the payment of \$100.00 per hour for all professional services reasonably required to be rendered in connection with applications to this Board and the defense of litigation instituted in relation to such applications subject to the limits of the lawful appropriation made therefor and only upon the presentation and approval of a certified voucher for such services, and

BE IT FURTHER RESOLVED as follows:

1. There is hereby authorized a contract with the aforesaid professional reflecting the aforesaid terms in such form as the Township Attorney may require and approve.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-5(1)(a) based upon a determination by this Board that the services to be rendered thereunder are those of a person authorized by law to practice a recognized regulated profession.
3. The said contract together with the attorney's Business Entity Disclosure Certification shall be placed on file in the office of the Township Clerk and open for inspection by the public during the regular office hours thereof.
4. The Board Secretary shall give notice of this action by publication of a notice as required by law.

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Planning Board on February 17, 2009.

Date: February 17, 2009


Evelyn Stefano
Planning Board Secretary

RESOLUTION NO. 2009-
PLANNING BOARD OF THE TOWNSHIP OF SOUTH HACKENSACK
DATED: February 17, 2009

MEMORIALIZATION OF THE APPROVAL
OF THE APPLICATION FOR AMENDED SITE PLAN APPROVAL
AND VARIANCES

APPLICATION OF: Mahopac Partners, LLC

APPLICANT'S ADDRESS: 450 Huyler Street
South Hackensack, New Jersey 07606

APPLICANT'S ATTORNEY: George G. Gundersen, III, Esq.
634 Baldwin Drive
River Vale, New Jersey 07675

PREMISES: Lots 1.01, 2.01 & 2.02 in Block 23.01
450 Huyler Street

OWNER OF PREMISES: Applicant

DATE OF SUBMISSION: November 20, 2008

DATE DETERMINED COMPLETE: January 19, 2009

DATE OF PRESENTATION: December 15, 2008, and January 20, 2009

SITE AND/OR SUBDIVISION: Plans of Simoff Engineering Associates
consisting of 2 pages
DATED: November 6, 2008
REV'D TO: January 6, 2009

ARCHITECTURAL PLANS: None

PLANNING REPORTS:

Boswell McClave Engineering (2)

DATED: December 1, 2008, and January 19, 2009

APPLICATION:

1. Amended Site Plan Approval for:
 - (a.) the installation of an additional overhead loading door adjacent and to the right of the more northerly of the two existing doors on the front of the existing building;
 - (b.) reconfiguration of the parking area in front of the building; and
 - (c.) a parallel parking area along the southerly side of the existing building that had been formerly reserved for landscaping.

2. Variances:
 - (a.) relief from the strict application of the requirement to provide a landscaped area of no less than 7.5% of the lot area;
 - (b.) relief from the strict application of the prohibition against off-street loading facilities in the front yard;
 - (c.) relief from the strict application of the requirement to provide a designated loading area of at least 15 feet by 50 feet in connection with the proposed new loading door; and
 - (d.) relief from the strict application of the requirement that all parking spaces be directly accessible by way of an on-site driveway aisle and not the public right-of-way; and
 - (e.) relief from the strict application of the requirement that the parking places along Bruce Court be a least 10 X 20 feet so as to allow parking places of 8 X 22 feet.

DECISION:

Granted subject to compliance with the conditions contained herein

WHEREAS, this matter came before this Board for public hearing on December 15, 2008, upon the aforesaid application, and

WHEREAS, this Board determined that the plans were incomplete and, with applicant's

consent, ordered the continuation of the matter to the next meeting with directions that the plans be amended to show the existing loading doors, and

WHEREAS, pursuant to that direction, the applicant filed the amended site plan referred to above, and

WHEREAS, on January 20, 2009, George G. Gundersen, III, Esq., 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 except as provided hereafter 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, this Board heard the matter, as follows:

Hal Simoff, having been duly sworn upon his oath, testified that he is a licensed professional Engineer and a licensed professional Planner of the State of New Jersey and a principal in Simoff Engineering Associates of Chatham, New Jersey, which prepared the subject site plan. Mr. Simoff presented an overview of the application indicating that the user of a portion of the premises requires an additional loading door in the front of the building since the materials it processes enter the building and be processed from the rear thereof to the front with the finished product leaving through the existing loading door which is inadequate. He testified that the previously proposed strip of landscaping between the southerly side of the existing building and the right-of-way of Bruce Court are now proposed to be used for parallel parking.

Owen Fox of 260 Park Avenue South, New York, New York, having been duly sworn upon his oath testified that he is the son of Robert Fox, a principal in Mahopac Partner, LLC, that he is fully familiar with the premises and that he operates the business that occupies the portion of the premises that require the additional door. Mr. Fox confirmed the previous testimony in respect to the direction of the processing from the rear of the building to the front of the building. He stated that the machinery and equipment used in the processing are permanently affixed to the premises, that attempting to revise the flow of the processing would consequently be cost prohibitive and that the proposed door is necessary. He added that the additional door will enable the use of smaller trucks to be loaded and will result in less vehicular congestion on and around the premises.

To this last comment of Mr. Fox, Mr. DeRiso indicated his opinion that, even though smaller trucks might be employed, it will still be necessary for those trucks to back off of Huyler Street. To this comment, Mr. Simoff stated that, at present, empty trailers are required to remain on the premises while being loaded and another truck is required to wait during the loading process. Mr. Simoff offered his opinion that, if an extra door were permitted and smaller trucks used, there would no longer be necessity to switch the trailers.

Mr. Gundersen thereupon turned the Board's attention to the second part of the site plan application, the replacement of the strip of landscaping between the southerly wall of the existing building and the right-of-way of Bruce Court that had been approved in the Resolution of this Board of January 14, 2008. The applicant now proposes that it be replaced with 10 parallel parking places. Mr. Gundersen thereupon called Richard Vreeland of 858 Warwick Turnpike, Hewitt, New Jersey, to testify.

Mr. Vreeland having been sworn upon his oath, testified that he is an expert landscaper having been in that business for many years and was engaged by the applicant to provide the formerly proposed landscaping on the premises. Mr. Vreeland testified that he had concluded that the strip of land between the southerly wall of the premises and the right-of-way of Bruce Court is not an appropriate location for landscaping, it being too arid as a result of its southern exposure and also is highly vulnerable to the ill effect of road salting that may be undertaken on Bruce Court. He described the likelihood of the survival of the proposed landscaping as "unfavorable."

Mr. DeRiso interjected the suggestion that a simple system of irrigation would solve the problems cited by Mr. Vreeland. Mr. Stefano reflected that the Board, in its previous action, required the landscaping in this particular location to improve the appearance of the building. Mr. DeRiso concurred and indicated that, as a result of removing this landscaping, the total area of landscaping on the premises would be reduced to approximately 6% of the total area whereas 7.5% is required.

Mr. Fox indicated that the loss of the parking to landscaping would seriously impact the tenant of the most southerly portion of the property, Allen Party Rental. Mr. Stefano thereupon suggested that the landscaping that might be lost to this proposed parking area should at very least be located elsewhere.

Mr. Simoff proposed that the other landscaping on the premises could be embellished. He further suggested on behalf of the applicant that a sidewalk would be installed on the unimproved area along Huyler Street and a pedestrian path would be indicated by stripping on the paved areas so as to provide a designated pedestrian way along the entire front of the building.

Finally, a concurrence was reached that the most westerly three proposed parallel parking places along Bruce Court would be eliminated and replaced with landscaping leaving only the remaining seven more easterly proposed parking places, and

WHEREAS, the meeting was opened to the public for comment on the application and no person came forward, 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 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, a motion was duly made, seconded and adopted, all members present voting in the affirmative therefor, to conditionally approve the said

application and to direct the preparation and presentation of this Resolution,

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. That the three most westerly proposed parallel parking places along Bruce Court be eliminated and replaced with shrubbery and that the sidewalk and pedestrian path be installed, all in accordance with the reasonable requirements of the Engineer.

2. That the parking places adjacent to the front loading areas would be designated as "employees only" parking, all in accordance with the requirements and subject to the approval of the Engineer.

3. That the well serving the premises be inspected and that it either be metered or capped, all as may be required by the Engineer.

4. (a.) Submission to the Engineer of a revised site plan, including a complete, revised landscaping plan, both of which shall fully conform to all of her requirements and fully reflect all of the stipulations made by the applicant, and (b.) the receipt from her of an acknowledgment that such revised site plan satisfies those requirements; this Board reserves jurisdiction to review any such revised plans should the Engineer so require.

5. Complete compliance with all of the terms and conditions contained in the above referred to report of Boswell McClave Engineering dated December 1, 2008, and January 19, 2009, together with such requirements as Boswell McClave may hereafter impose upon the said revised site plan. 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.

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

7. Entry into a 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.

8. Review and final approval by the Bergen County Planning Board or proof of exemption from its review.

9. 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.

10. 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.

11. Submission to the Police Department and receipt of written certification that it approves of the parking lot configuration and entry ways.

12. 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.

13. 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.

14. 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.

15. 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:

Ray DeRiso

SECONDED:

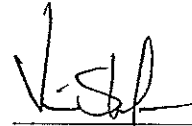
Pat Spadavecchia

Roll Call on the Motion:

Mayor Rosina Romano, Class One
Raymond DeRiso, Class Two
Gregorio Maceri, Class Three
Frank Cagas, Class Four
Frank Capolupo, Class Four
Vincent Stefano, Class Four
Butch Walsh, Class Four
Pat Spadavecchia, Class Four

Yes
Yes
Yes
Absent
Yes
Yes
Abstain
Yes

Date: February 17, 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 February 17, 2009.

Date: February 17, 2009


Evelyn Stefano, Planning Board Secretary

The newspapers of **New Jersey** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Bergen

Printed In: The Record, Hackensack

Printed On: 2009/02/25

PLANNING BOARDTOWNSHIP OF SOUTH HACKENSACK
PUBLIC NOTICE

NOTICE is hereby given that the Planning Board of the Township of South Hackensack, by resolution duly adopted on February 17, 2009, for the reasons set forth in its resolution of that date, granted approval to the application of Mahopac Partners, LLC, for amended site plan approval and variances as to premises designated as Lots 1.01, 2.01 & 2.02, in Block 23.01, more commonly known as 450 Huyler Street, for an additional loading door on the front of the existing building, seven parallel parking places and a landscaped area along the southerly side of the existing building and along Bruce Court, a reconfiguration of the parking area in the front of the existing building, a sidewalk and designated pedestrian paths along Huyler Street and other related improvements. Said approval was made expressly conditioned upon the satisfaction of all of the terms and conditions contained in that resolution. A copy of that resolution is on file in the office of the Township Clerk, 227 Phillips Avenue, South Hackensack, New Jersey, and is available for inspection by members of the public during the regular business hours of that office.

Dated: February 17, 2009 Evelyn Stefano

Secretary

South Hackensack Planning Board

February 25, 2009-fee:\$34.02 (36) 2538879

Public Notice ID: