

Township of South Hackensack
PLANNING BOARD
January 20, 2009
7:00 p.m.
MINUTES

At 7:43 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
Mary Terraccino – Acting Secretary
Barbara Nemchek – Boswell Engineering
Ralph Chandless – PB Attorney

Members Absent

Frank Cagas
Butch Walsh
Clementine Montenegro

Oath of Office

Romano-Class I, Maceri – Class III, DeRiso-ClassII, and Spadavecchia-Class IV took their oaths of office.

Re-Organization

Capolupo motioned; Spadavecchia seconded to table the Re-Organization until the February 17th meeting. All in favor. Romano acted as Chairperson for this meeting.

Minutes

DeRiso motioned; Spadavecchia seconded to approve the Minutes of the December 15, 2008 Special Meeting.

Correspondence

Spadavecchia motioned; Maceri seconded to accept the correspondence listed and place them in their appropriate files. All in favor.

The secretary informed the board that she received a resignation letter from Dolly Montenegro today. DeRiso motioned; Romano seconded to accept this letter and place it on file. All in favor.

Ray DeRiso requested to attend the advanced PB/ZB training seminar on March 7th along with Spadavecchia, Capolupo and Stefano attending for their mandatory PB/ZB training. Romano approved this for all attendees listed.

January 20, 2009

Old Business

Memorialize Resolution

PB#2008-06 - Lofaro

B 47 Lot 2 – 2 Worth Street

Barbara Nemchek from Boswell indicated that she received the revised plans last dated 1-7-2009 and all revisions are in compliance.

DeRiso motioned; Stefano seconded to Memorialize the Resolution for Lofaro at 2 Worth Street. 4 Yes: Romano, DeRiso, Capolupo, & Stefano, 2 Not Able to Vote: Maceri & Spadavecchia and 3 Absent: Cagas, Walsh, & Montenegro
Romano motioned; Spadavecchia seconded to Open to the Public. All in favor.
No comments were made.

Romano motioned; Spadavecchia seconded to Close to the Public. All in favor.

Public Hearing Continued

PB#2007-02A – Mahopac Partners

B 23.01 Lot 2.01 – 450 Huyler Street

Chandless indicated that the two new members; Maceri & Spadavecchia would be able to continue with this hearing because the December 15th hearing only introduced the applicant with an incomplete application and no testimony.

George Gundersen, III testified for the applicant to seek approval for a loading door on Huyler Street and landscaping for this property. Ray indicated he wanted to see all overhead doors on the plan.

Hal Simoff testified as a licensed professional planner from Simoff Engineering. They prepared the site plan and presented an overview of the application. The 2 docks in the front are not sufficient for A-1 Tablecloth. This business unloads in the back and the pick-ups are done in the front along Huyler Street. They amended to reduce from the original approval in 2007 for the proposed strip of landscaping on the side of the existing building along Bruce Court to be used for parallel parking.

Owen Fox testified that the additional door will enable the use of smaller trucks to be loaded and will result in less congestion on the property along with the elimination of to switch trailers.

Richard Vreeland testified that the strip of land along Bruce Court is not appropriate to landscape. The likelihood of plants surviving is unfavorable. There was much discussion on reducing the landscaping and increase in the number of parking spaces among the board members. Simoff proposed to embellish all other landscape on the property and on behalf of the applicant 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 along the entire front of the building. The requested 10 parking spaces along Bruce Court were reduced to seven with an increase in landscape in that area. Landscape design would have to be approved by Boswell and Ray DeRiso.

Stefano motioned; Capolupo seconded to Open to the Public. All in favor.
No comments were made.

Stefano motioned; Romano seconded to Close to the Public. All in favor.


DeRiso motioned; Maceri seconded to approve the application for Mahopac with all conditions stated in the resolution with regards to parking, landscape, revised site plan, compliance with Construction Codes, Developers Agreement, Bergen County Planning Board and Soil Conservation approval, Fire Official and Police Department approval, meter/cap well and complete development within one year.
6 Yes: Romano, DeRiso, Maceri, Capolupo, Stefano and Spadavecchia.

New Business

The acting secretary informed the board that the Planning Board meetings have been advertised in The Record and Herald News to be held at 7:30 pm on the third Monday of every month with the exception of February 17.

At 9:45 p.m. Capolupo motioned; Maceri seconded to adjourn the meeting. All in favor.

Respectfully Submitted,


Mary Terraccino
Acting Secretary

January 20, 2009

RESOLUTION NO. 2009-
PLANNING BOARD OF THE TOWNSHIP OF SOUTH HACKENSACK
DATED: JANUARY 20, 2009

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

APPLICATION OF: Antonio Lo Faro (Craft Machine Co., Inc.)

APPLICANT'S ADDRESS: 36 Wilson Terrace
Staten Island, New York
201-694-8904

APPLICANT'S ATTORNEY: Elliot W. Urdang, Esq.
19 Engle Street
Tenafly, New Jersey 07607
201-567-0485

PREMISES: Lot 2 in Block 47
2 Worth Street

OWNER OF PREMISES: Applicant Lo Faro

DATE OF SUBMISSION: November 3, 2008

DATE DETERMINED COMPLETE: November 17, 2008

DATE OF PRESENTATION: November 17, 2008 and January 20, 2009

SITE AND/OR SUBDIVISION: Plans of Azzolina & Feury Engineering Inc. entitled "Plot Plan for Garage Door Installation Prepared for Antonio Lo Faro" consisting of 1 page
DATED: October 9, 2008
REV'D TO: November 10, 2008

ARCHITECTURAL PLANS:

A. Plans of Joseph J. Bruno, AIA, Architects and Planners entitled "New Overhead Door for Craft Machine Co., Inc." consisting of 1 page

DATED: August 19, 2008

REV'D TO: -None-

B. Plans of the said Bruno entitled, "Second Floor Plan Layout for Craft Machine Co., Inc." consisting of 1 page

DATED: January 2, 2009

REV'D TO: January 7, 2009

PLANNING REPORTS:

Boswell McClave Engineering

DATED: November 7, 2008 and January 19, 2009

APPLICATION:

(1.) Conditional Final Site Plan Approval for the installation of an additional overhead loading door in the front of the building and the relocation of designated parking places to accommodate the same

(2.) Variances from the following requirements:

A. Off-street loading space of 15' X 50' (§208-7G)

B. Off-street loading in front prohibited (§208-7G)

C. Parking spaces must be adjacent to an aisle (§208-1)

D. Nine parking places required; only seven provided (§208-7F)

DECISION:

Granted subject to compliance with the conditions contained herein

WHEREAS, this matter came before this Board for public hearing on November 17, 2008, December 15, 2008, and January 20, 2009, upon the aforesaid application, and

WHEREAS, Matthew Capizzi, Esq., on behalf of Elliot W. Urdang, 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 for the first time on November 17, 2008, as follows:

Richard Burns, a professional engineer of the State of New Jersey, whose credentials as an expert were accepted by the Board, testified that the entire building had been used by the applicant for the fabrication of fences and railings. While the applicant continues in the business of installing fences and railings, it no longer fabricates the products and therefore no longer requires the entire building for its operation. The applicant intends to lease approximately one half of the ground floor to Garden State Communications, a firm in the business of installing communications equipment. The tenant requires a separate door through which its vehicles can gain access. Each door will enter upon tandem parking places within each side of the building.

Mr. Burns testified that neither of the two uses of the building will require a loading facility since neither receives large materials. There are presently 7 parking places provided and, after the reconfiguration, 7 will continue to exist when counting the two newly available tandem parking spaces to be made available as a result of the proposed door.

Upon inquiry by the Board Attorney as to what rights the applicant has that enables him to maintain parking on the adjacent lot which is in the residential zone and as to why site plan approval and a use variance would not be required in respect thereto, Mr. Burns testified that the applicant has used that portion of the adjacent property for at least 15 years. Mr. Burns inquired whether a 100

year lease to the subject portion of property would suffice and the attorney advised that theoretically it would not without also a use variance and site plan approval.

Thereupon, Mr. Burns testified that the applicant would abandon the proposed use of the parking places designated as 6 and 7. Instead, the same number of parking places would be provided along the front of the building by repositioning the others and designating an additional diagonal space in front of the office door. The new space would have a bumper so that no vehicle parked therein would interfere with safe pedestrian passage through that door.

Antonio Lo Faro, having been duly sworn, testified that he is the owner both of the subject property and also of Craft Machine Co., Inc., the current principal user of the property. He stated that Craft only has a total three people regularly on the premises, two of whom remove the two trucks stored inside the building to job locations where the fences and railings are installed. Very little fabrication of the fences and railings is still undertaken in the building.

Mr. Lo Faro further testified that the proposed tenant, Garden State Communications, has only two employees at this location. Each of those tenants arrives at the premises, removes the two trucks stored inside, replaces them with the vehicles in which they arrived and departs to outside job locations.

A discussion among the members ensued in which Mr. DeRiso expressed his concern that the grant of the application might be ill-advised if the premises were used differently in the future. Nevertheless, he stated the opinion that, if the application were to be granted, the currently designated loading area should be used for parking since the testimony indicates that it is rarely or ever needed any longer for loading.

Mrs. Montenegro expressed her opinion that, if some relief from the strict application of the zoning requirements to the otherwise valuable industrial and commercial facilities located on unusually small properties, of which there are many in the Township, these properties including the subject property would be significantly diminished in value. She stated that the Board should look for ways in which such plans could be approved such as the alternative parking plan that this applicant has suggested. A consensus among the members was then reached that this could be accomplished by providing 3 head-on parking places in front of the building under such conditions as the Board Engineer might impose upon the receipt of an amended site plan.

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 roadway and the location of the lawfully existing structure 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 by Mr. Walsh, seconded by Mr. Capolupo 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 at its next meeting to be conducted on December 15, 2008, and

WHEREAS, upon the consideration of the said resolution on December 15, 2008, the Board received a report from the Zoning Enforcement Officer of the Township indicating that a greater portion than had been represented of the second floor of the building was being used as office space, thus resulting in a miscalculation of the number of required parking space, and

WHEREAS, as a result of that disclosure, the Board continued the matter until its next meeting scheduled for January 20, 2009, and directed the attorney to apprise the applicant of that fact and its reasons therefor, and

WHEREAS, in response thereto, the applicant presented a second architectural drawing entitled "Second Floor Plan Layout for Craft Machine Co., Inc." dated January 2, 2009, and revised through January 7, 2009, which delineates the uses to be made of certain designated areas of the second floor of the building on which a portion of the area which the Zoning Enforcement Officer had reported to appear to be office is designated as "proposed storage area," and

WHEREAS, on January 20, 2009, Matthew Capizzi, Esq., on behalf of Elliot W. Urdang, Esq., appeared for the above referred to applicant and stipulated on the applicant's behalf that the

area shown on the said newly submitted architectural drawing as "proposed storage area" would be only so used, and

WHEREAS, the meeting was opened to the public for comment on the application and no person came forward, and

WHEREAS, the said stipulation met with the approval of the Zoning Enforcement Officer and the Engineer reported that such stipulation would render correct the calculations in respect to the required parking.

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. Compliance with the applicant's stipulation that the second floor of the subject building will henceforth only be used for the purposes described and within the respective areas designated on the the architectural drawing of Joseph J. Bruno. A.I.A., dated January 2, 2009, and revised on January 7, 2009.
2. Submission to the Engineer of a revised site plan fully conforming to all of her requirements and fully reflecting all of the stipulations made by the applicant and the receipt from her of an acknowledgment that such revised site plan satisfies those requirements.
3. Complete compliance with all of the terms and conditions contained in the above referred to report of November 7, 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.

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

5. 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.

6. 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.

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

8. 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.

9. 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.

10. 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.

11. 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

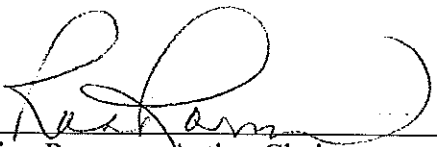
SECONDED: Vincent Spetans

Roll Call on the Motion:

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

Yes
Yes
Not able to vote
—
~~absent~~ Absent
~~absent~~ Yes
Yes
Absent
Not able to vote

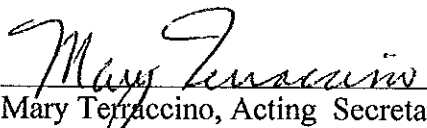
Date: January 20, 2009



Rosina Romano, Acting Chairwoman

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 January 20, 2009.

Date: January 20, 2009



Mary Terraccino, Acting 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: 2009/01/30

TOWNSHIP OF SOUTH HACKENSACK PLANNING BOARD
NOTICE OF DECISION

PLEASE TAKE NOTICE, that on January 20, 2009 the Township of South Hackensack Planning Board adopted a resolution granting final site plan approval and ancillary variances for off street loading space, off street loading in front prohibited, parking spaces must be adjacent to an aisle, and off street parking; to permit the construction of an additional overhead door in front of the existing building to Antonio Lo Faro (Craft Machine Co., Inc.) at property designated as Block 47, Lot 2 on the current tax assessment map of the Township of South Hackensack and commonly known as 2 Worth Street. The Board's determination has been filed with the office of the Planning Board at the municipal complex during the municipality's normal business hours. Elliot W. Urdang, Esq.

Attorney for Applicant

19 Engle Street

Tenafly, NJ 07670

201-567-0485

January 30, 2009-fee:\$27.41 (29) 2521031

Public Notice ID: