

Township of South Hackensack
 PLANNING BOARD
 June 23 2011
 MINUTES

At 7:29 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 Chairman led the Flag Salute.
 The Secretary called the Roll.

Members Present

Darren Allen	Pat Spadavecchia
Frank Cagas	Ray DeRiso
Al D'Ambrosio	Frank Capolupo
Leo Rossi	Anthony Vigilanti
Walter Eckel	Elliot Sachs, Boswell Engineering
John Schettino, Esq.	

Minutes

DeRiso requested that on April 28, 2011 minutes, Page 4, there needs a correction. Motion was to accept the minutes as revised.

Eckel **motioned**; Spadavecchia **seconded** to approve the Minutes of September 20, 2010, December 20, 2010 and April 28, 2011. All in Favor.

Old Business

Memorialize Resolution – Vacate prior decision/Rehear application on 5/26/2011.

PB #2010-06

310 Huyler Street - Bruno

Block: 37 Lot: 1, 54

Minor Subdivision, Site Plan, & Variances

Eckel **motioned**, D'Ambrosio **seconded**; accept the resolution. **Yes:** Allen, Cagas, D'Ambrosio, DeRiso, Rossi, Spadavecchia, Eckel. **Recusal:** Capolupo; Vigilanti.

New Business

PB2011-02

636 Huyler Street – d/b/a Airport Motel

Block: 2.01 Lot: 13.02

Site Plan - Sign

June 23, 2011

Jay M. Arnesen
384 Liberty Street
Little Ferry, NJ
Attorney for Applicant

Arnesen stated that in May 2010, the large sign came down. The sign consisted of an arrow coming down in neon lights approximately 30' high with a smaller sign below it. Presently there only exists a smaller sign stating "Airport". Since the larger sign has come down, people miss the turn for the motel. The new sign will blend with the community and consists of plastic with lighting behind it. Mr. Dean Catanzaro, owner, is the second generator business owner.

Swore in Mr. Dean Catanzaro
Business Owner

Catanzaro stated that the new sign will be 6' x 6' and 19' from the top with maroon and white letter saying "Airport Inn". This sign will be placed on the existing pylon. Six inches below a smaller sign 4' x 2' indicating "Enter" will be placed.

Sachs, from Boswell Engineering asked for clarification on the height of the sign. The applicant stated 19' and the drawing submitted to the Board shows 18'.

Arnesen stated that the height is 18'.

Catanzaro stated that the sign will be plastic on the outside with interior lighting. There will be no LED or neon lights. There is existing landscaping 3' around the sign. But any additional landscaping is limited due to the sidewalk. He could replace some pavers and possibly a new tree. He would like a sign for his business.

DeRiso pointed out that business signs stay on only during business hours. This is a 24 hour business.

Cagas asked the applicant how far is the sign from the road.

Arnesen stated that is approximately 12'.

Schettino asked how far on the property line.

Catanzaro stated that 5' from the sidewalk and 12' front yard and 35' on the side yard.

Sachs, Township Engineer was asked to determine if the existing pylons were on the applicant's property. After looking at the tax map and the applicant's site plan he was satisfied that the pylons were on the applicant's property. Sachs requested that a signed and sealed survey of the property be submitted. The exact location of signs must be indicated on the survey.

Open to Public

Closed to Public

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Conditional approval for sign waiver requires a sign and sealed survey depicting location of signs and that signs are within applicant's property.

Rossi motioned, D'Ambrosio seconded; conditional approval for sign. Yes: Allen, Cagas, D'Ambrosio, DeRiso, Rossi, Spadavecchia, Eckel, Capolupo; Vigilanti.

PB #2010-06 – Continued – Revision 5/09/11 Site Plan

310 Huyler Street - Bruno

Block: 37 Lot: 1, 54

Minor Subdivision, Site Plan, & Variances

Present Court Reporter Stella Douglas, CCR - at Mr. Cuccio's request.

Schettino requested that the two recused board members, Vigilanti and Capolupo not to be seated at the dais. He also requested the court reporter to provide a copy to the Board at no cost.

Emil Cuccio
Attorney Representing Applicant

Cuccio stated that Bruno has had the restaurant for many years and he is looking to develop the property in a different manner that would be beneficial to the community.

Sworn in

Greg Polyniak
Vice President
Neglia Engineering
34 Park Avenue
Lyndhurst, NJ

Schettino stated that Polyniak has testified in the past and be accepted as a professional in his field.

A-1 Exhibit – Exterior Elevation, dated 1/6/10, Sargenti Architects.

Polyniak stated that the existing structure will be demolished. The proposed building will be 5,400 sq. ft, 800 sq. ft less than existing structure. The existing building is 6,200 sq. ft. This architect's rendering of the exterior of a proto-type for 7 11" buildings. The enclosed garbage container will be located 20 feet from E. Wesley side yard and 5.17 feet from the rear yard. The container will contain two areas; a 10' x 10' for the wine store and a 10' x 20' for the 7-11 store.

A-2 Exhibit – 3D Rendering , dated 1/6/10, Sargenti Architects.

Polyniak stated that this is view from the corner of Huyler and E. Wesley. There will be a landscape buffer with underground sprinklers. The wall to the left is the Auto Body and does not represent what the actual building looks like.

Cuccio stated that the applicant is receptive to a green roof and Neglia will provide testimony a little later.

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A-3 Exhibit – Boundary & Topographic Survey, dated 10/14/10, Rev. 12/22/10, Neglia Engineers. Polyniak stated that shows the existing conditions at site

A-4 Exhibit – Site Plan, dated 11/11/10, Rev. 05/09/11, Neglia Engineers. Depicts the Zoning Tables.

A-5 Exhibit – Truck Maneuvering Exhibit, dated 2/24/11, Rev. 05/09/11, Neglia Engineers.

A-6 Exhibit – Truck Maneuvering Exhibit, dated 2/24/11, Rev. 05/09/11, Neglia Engineers.

A-7 Exhibit – Grading, Drainage and Utility Plan, dated 11/11/10, Rev. 05/09/11, Neglia Engineers.

A-8 Exhibit - Landscape Plan, dated 11/11/10, Rev. 05/09/11, Neglia Engineers. Polyniak stated that there will be a green roof consisting of soil tray where low maintenance plants will be planted. The plant box will have holes which will flow to leaders for storm water management. These plants will not be able to be seen from the street. The plants will be only 1' in height and 1/3 of the roof will be covered with the plant.

A-9 Exhibit – Lighting Plan, dated 11/11/10, Rev. 05/09/11, Neglia Engineers.

A-10 Exhibit – Construction Detail, Sheet 7.02, dated 11/11/10, Rev. 05/09/11 Polyniak stated that they will be requesting a waiver for the two sign for 7-11.

DeRiso questioned where the sign will be for the wine store.

Cuccio stated that Bruno's family grows grapes and manufacturer's wine in Italy. He would like to import the wine and sell it in the wine store. He currently owns a liquor license. If he is unable to do so, he may pocket the license and the store may be a wireless store. The client would not like to pigeon hole the store for a wine store.

DeRiso questioned if it will be package store.

Cuccio stated Bruno intention is to have a table for wine tasting along with seating.

DeRiso stated that this would change his parking requirements.

Cuccio would then request a Hardship.

A-11 Exhibit – Boswell Engineering's Letter, Elliot Sachs, dated 5/25/11. Cuccio stated that his client will conform to all of Mr. Sachs' requests in the letter.

Meeting broke for a 10 minutes recess.

Swore in

Brian Intindola, PE
Traffic Engineer
Neglia Engineering

Intindola was accepted as an expert in his field.

A-12 Exhibit – Neglia's Letter, dated February 2010.

Intindola stated that the intersection of E. Wesley and Huyler was redone by Bergen County 6 years ago. Bergen County Planning Board's review currently is suggesting a left hand turn from Huyler into the parking lot of 7'11

A-13 Exhibit – Photograph of ariel of site, dated 6/23/11, Neglia Engineering.

Cagas asked if the cars that are waiting to turn left from E. Wesley into the parking lot and cars are stopped at the red light on E. Wesley, will cars be backed up in the intersection waiting on Huyler to turn left on E. Wesley.

Intindola stated that the cars would give a courtesy gap to allow the cars to pass through on Huyler.

Cagas stated that Bergen County redesigned the intersection for a restaurant use not a retail use.

Swore in

Asif Khalid
Senior Real Estate Representative
7'11

Khalid stated that the proposed store will be similar in size to the Little Ferry store. There will be generally two employees (including the manager) and possibly a third for deliveries.

Cagas asked if the Board received a letter of review from the Police Department.

Cuccio stated that Police Department was noticed and there was no response.

Open to Public

Butch Walsh
217 Phillips Avenue

Has been a past board member and has lived on 221 Huyler Street from 1993 – 2003. He stated it is inconvenient to live on that side of town. After 6PM everything closes and they must travel to Little Ferry for milk. He also mentioned that Danatoni's parking lot is too small to allow his truck with his trailer to park. He believes that it would be a benefit to the community.

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Vincent Greico
10 Dinallo Street

He has lived on Dinallo Street for 50 years. He stated that there is plenty of factories, bars, etc and that 8PM everything shuts down. Since he is getting older and can't drive as much, there is nothing within walking distance.

Closed to Public

Cagas asked if the Police Department and Fire Department responded in writing.

Cuccio responded that if there was an issue, they would have responded.

Spadavecchia asked if they could decrease the sq. ft of the wine store.

Cuccio replied that it may not be exclusively a wine store but a possible retail store.

DeRiso stated that in his opinion the site is overdeveloped. The 7-11 and the retail is a permit use but the size of the structure and location is an over development of the site.

Closed to Public

Spadavecchia voiced concerns that there would be people sitting/drinking outside the wine and beer store.

DeRiso stated that the 7'11 is a permitted use. However, it is his opinion that it is an overdevelopment of the site.

Motion to accept application conditionally. Required items are: Green roof materials to be used on roof as well as plantings; irrigation system for landscaping, and eight hour window for deliveries.

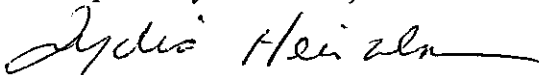
Rossi **motioned**, D'Ambrosio **seconded**; conditional approval for applicant. **Yes:** Allen, D'Ambrosio, Rossi, Eckel. **No:** Cagas, DeRiso, Spadavecchia. **Recusal:** Capolupo, Vigilanti.

Board Discussion

No Discussion.

At 10:15PM, Rossi **motioned**; D'Ambrosio **seconded** to adjourn. **All in favor.**

Respectfully Submitted,



Lydia Heinzelman
Secretary

June 23, 2011

RESOLUTION

PLANNING BOARD OF THE TOWNSHIP OF SOUTH HACKENSACK

DATED: ^{June 23} MAY 26, 2011

APPLICATION NO.: 2010-06

APPLICANTS: Luigi Bruno
310 Huyler Street
South Hackensack, N.J. 07606

APPLICANT'S ATTORNEY: WILLIAM R. LINDSLEY, ESQ.

PREMISES: 310 Huyler Street
Block 37, Lots 1, 46 & 54

OWNER OF PREMISES: LUIGI BRUNO

DATE OF PRESENTATION: March 24, 2011

Site application for preliminary and final site plan approval with variances for parking space size, front yard, lot coverage, rear yard, landscaped area, loading spaces and waiver for signage.

APPLICATION: For site plan approval with variances to demolish the existing structure on Lot 1 and construct a retail store and 7-11 convenience store.

WHEREAS, Luigi Bruno, has applied to the Planning Board of the Township of South Hackensack for site plan approval and variances for parking stall size, front yard, lot coverage, rear yard, landscaped open space area, loading spaces and waiver for signage in order to demolish an existing structure and construct a retail store and 7-11 convenience store on property located at 310 Huyler Street, Block 37, Lots 1, 46 & 54 in the Township of South Hackensack; and

WHEREAS, the applicant has by affidavit presented proof to the Board that all owners of property situate within and without the municipality and within 200 feet of the premises to be affected have been given notice pursuant to the applicable statute; and

WHEREAS, an affidavit of publication has also been submitted attesting to publication in The Record of a Notice of Hearing; and

WHEREAS, on March 24, 2011, the Board held a public hearing at which time it heard the testimony and considered the arguments on behalf of the applicant; and

WHEREAS, at said hearing the Board also heard and gave consideration to all other persons desiring to be heard; and

WHEREAS, on March 24, 2011, the Board, after due consideration and deliberation denied the applicant's request by a formal vote for site plan approval and

variances for parking stall size, front yard, rear yard, lot coverage, landscaped are, loading space and a waiver for signage in order to demolish an existing building and construct a retail store and 7-11 convenience store; and

WHEREAS, the following members were present and voted to deny the application: Frank Cagas, Pat Spadavecchia, Anthony Vigilanti, Ray DeRiso and Darren Allen; with the following individuals voting to approve the application: Al D'Ambrosio, Chairman, Frank Capolupo and Walter Eckel, Mayor; and

WHEREAS, subsequent to the denial of the application and prior to the memorialization of the Board's decision, it was disclosed that two (2) Board members who participated in the decision had a conflict of interest and, therefore, were ineligible to participate in the hearing and decision; and

WHEREAS, based upon the two (2) Board members participation in the hearing, said decision is void Ab Initio and, therefore, must be set aside; and

WHEREAS, pursuant to N.J.S.A. 40:55D-10(g) said decision must be reduced to writing and shall include findings of fact and conclusions based thereon; and

WHEREAS, on May 26, 2011, the Planning Board in open and public session, does hereby adopt, ratify and confirm the following as its findings of fact and conclusions of law:

1. The applicant is the owner of Lots 1, 46 & 54, in Block 37 more commonly known as 310 Huyler Street, South Hackensack, New Jersey. The property is in the "B" commercial zone pursuant to Township Ordinances.

2. The applicant submitted an application for site plan approval and variances for front yard, rear yard, parking space size, coverage and landscaped area with a waiver for signage in order to demolish an existing dwelling and construct a building for a retail store and 7-11 convenience store.

3. The Board denied the applicant at its March 24, 2011 meeting.

4. Subsequent to the denial of the application and prior to the memorialization of the decision, it was disclosed that two (2) Board members who participated in the hearing and decision had a conflict of interest.

5. The participation of the two (2) Board members renders the decision void and invalid.

WHEREAS, the Planning Board of the Township of South Hackensack based upon the foregoing findings of fact, hereby concludes that:

1. The decision of the Planning Board on March 24, 2011 denying the application for site plan approval and variances for parking stall size, front yard, lot coverage, rear yard, landscaped open space area, loading spaces and waiver for

signage in order to demolish an existing structure and construct a retail store and 7-11 convenience store for property located at 310 Huyler Street, Block 37, Lots 1, 46 & 54 in the Township of South Hackensack is void Ab Initio, and therefore, the applicant may resubmit his application for a new hearing as Res Judicata will not apply.

June 23, 2011

On ~~May 26~~, 2011 according to the below indicated votes.

Motivated Eckel

2nd - D'Ambrosio

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>No Vote</u>
Walter Eckel, Jr. Mayor	✓			
Al D'Ambrosio Chairman	✓			
Frank Capolupo X	✓			
Frank Cagas	✓			
Pat Spadavecchia	✓			
Anthony Vigilanti X	✓			
Ray DeRiso	✓			
Leo Rossi	✓			
Darren Allen	✓			

Capolupo

Vigilanti

Attest:

Lydia Heinzelman
Lydia Heinzelman
Secretary

Approved:

Al D'Ambrosio
Al D'Ambrosio
Chairman

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on the

~~25~~th day of ~~May~~, 2011.

23 June

Lydia Heinzelman
Lydia Heinzelman, Secretary

CERTIFICATION TO THE RESOLUTION
OF THE TOWNSHIP OF SOUTH HACKENSACK

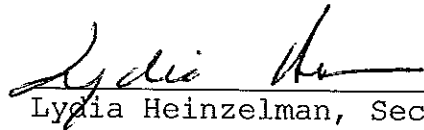
DATED: ~~MAY 26,~~ ^{June 23, 2011} 2011

REGARDING THE APPLICATION OF:

LUIGI BRUNO

APPLICATION NO. 2010-06

I hereby certify that the foregoing resolution truly represents the resolution passed by the Planning Board of the Township of South Hackensack on ~~May 26,~~ ^{June 23, 2011} 2011 7 members present voting affirmatively, 6 members voting in the negative, and 2 members abstaining.

 6/23/11
Lydia Heinzelman, 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: 2011/06/29

**PLANNING BOARD TOWNSHIP OF SOUTH HACKENSACK
PUBLIC NOTICE**

NOTICE is hereby given that the Planning Board of the Township of South Hackensack, by resolution duly adopted on June 23, 2011 for the reasons set forth in its resolution of that date, conditionally granted approval to PB2010-06, Luigi Bruno, as to premises designated as Block 37 Lots: 1, 46, 54 and more commonly known as 310 Huyler Street, site application with variances to demolish the existing structure on Lot 1 and construct a retail store and 7-11 convenience store. Said approval was made that the applicant may resubmit his application for a new hearing. 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: June 24, 2011

Lydia Heinzelman, Secretary
South Hackensack Planning Board
June 29, 2011-fee:\$26.46 (28) 3109065

Public Notice ID: