

**MINUTES OF THE FEBRUARY 19, 2019 PLANNING BOARD
REGULAR MEETING**

The following are the minutes of the February 19, 2019 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.

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

The following members were present: Mr. Michael Simone, Mr. Richard Fracaro, Ms. Anne Marie Michael, Mr. Brian Otto, Mr. Tim Troast, Dr. William Pendexter, Mayor Mike Serra, and Councilman Baig.

Mr. Steve Soojian and Mr. Steve Edgeller were excused from the meeting.

Also present were Andrew Brewer, Planning Board Attorney, Ralph Tango, Board Engineer, Debbie Lawlor, Board Planner and Lynnette Bradley, Secretary.

John Keating was given Oath of Office by Mayor Serra.

Roll Call: Mr. Simone Here, Mr. Fracaro Yes, Ms. Michael Here, Mr. Otto Here, Mr. Troast Here, Dr. Pendexter Here, Mayor Serra Here, Councilman Baig Here, John Keating Here.

MINUTES:

Reorganization Meeting Minutes dated January 15, 2019: Motion moved by Mr. Troast and seconded by Mr. Fracaro to approve as amended. **All eligible voted in favor.**

Regular Meeting Minutes dated January 15, 2019: Motion moved by Mr. Troast and seconded by Mr. Fracaro to approve as amended. **All eligible voted in favor.**

CORRESPONDENCE:

1. PSE&G notice to have the right away dated January 10, 2019.
2. Borough of Riverdale master plan meeting
3. Hudson Essex Passaic Soil Conservation 9 Hamburg certified plan.
4. Hudson Essex Passaic Soil Conservation Lakeside Commons transfer ownership
5. Letters From Maser Consulting
6. Series of letters and emails between Attorney Mr. Brewer and Objector's Attorney Mr. Doyle.

APPLICATIONS:

1. **PB18-05**
105 Hamburg Tpk. LLC
1534 Rt. 23 No. Wayne, NJ 07470

Mr. Simone points out this application was carried over from the January 15, 2019

Meeting which was initiated during the December meeting. The applicant's attorney will present the experts he has with him tonight, then we will open to questions from the public.

Mr. Jerome Vogel introduces himself as attorney for the applicant and explained they have been before the board for 2 meetings previously. He states they had a meeting with the County of Passaic, the County Planner and with the town engineer Ralph Tango, Our assistant Planner and our Engineer and the County Engineer. They discussed the traffic light and said the applicant is prepared to endure the cost of relocating the traffic signal consistent with the plan. Mr. Vogel introduces Mr. Jonathan Istranyi from Stonefield Engineering and informs him he is under oath to testify as to the modifications filed.

Mr. Istranyi confirms he is under oath.

Mr. Istranyi spoke to the modification of the plans revised C4 Site Plan. He presents it as an exhibit for all to see. He states they changed the driveway from 24 feet to 30 feet. The ingress driveway also from 24 feet to 30 feet. It is a one way driveway they relocated the curb cut as far as possible 6 feet further from the intersection which is 119 feet away from the intersection. They also moved the trash container. They removed 2 vacuum spaces allowing room for 2 driveways. With additional side door variance 35 feet required 16.7 feet proposed, and 26.2 feet proposed measured from center line drive isle. The traffic signal poll will be shifted 5 – 6 feet further back into the site on the other side of the sidewalk further away from the curb and vehicles at the intersection. The vehicle que is 18 vehicles has a little more space. The county had no objection to the relocation as long as they obtain the permits. Parking spaces were increased to 12 feet and reduction from 19 to 17 spaces. As to the LED signage it will not flicker or be moving it is aesthetic just for promotions for the car wash.

Mr. Tango's letter dated 2/11/19 and Ms. Lawlors letter dated 2/13/19 state they both are satisfied with the concerns.

Mayor Serra questions if the sign will be turned off after close of business.

Mr. Istranyi states the sign will be on while the business is open.

Mr. Brewer states it can be conditional approval of the sign.

Mr. Troast asks if the radius will be the same.

Mr. Istranyi answers yes it remains the same as discussed with the county, the pole will be moved.

Mr. Simone asks is there is a way to increase the radius at the intersection to make the right turn easier?

Mr. Tango says they can look into it.

Mr. Simone opens questions to the public regarding testimony just heard.

Motion made by Mr. Troast seconded by Mr. Fracaro. **All in favor.**

Attorney for the objector steps up and introduces himself as Mr. Ronald Gordon with the Law Firm Decotiis, Fitzpatrick, Cole & Giglin. He asks if they increased queuing spaces. He asks how many spaces are on the proposed site and about the ingress on Ringwood Ave. could it accommodate a pickup truck? Have you increased variances?

Mr. Istranyi explains the 10 foot radius and how it hasn't changed. Yes it can accommodate a pickup truck. It is a 30 feet wide curb cut. Yes we have increased to an additional variance.

Aaron Wasserman of 58 Ringwood Ct steps up and asks about traffic accidents and would like it to be looked at and could they come back with some solution.

Angela Tetla of 63 Ringwood Ct. steps up and asks if a pickup truck can easily navigate the entrance and questioned the hours of operation, and if crossing guards for the children will be provided. Would they be able to make left turn? Will the owner be willing to pay for traffic sign?

Mr. Istranyi states the hours will be 7:00am to 9:00pm every day. Yes a pick-up truck can navigate the entrance. Yes they can make a left turn.

Mr. Vogel states the roads are county roads if the county would like such a sign they would be willing to do so.

Elaine O'Neill 16 Ringwood Ct. Steps up asks where signs will be and asks about the noise.

Mr. Istranyi states there was previous testimony on the sound. Sign will be on the corner.

Charles Quant 122 Hamburg Tpk. Steps up asks about the queuing and the emissions from the cars idling. States he has a hard time getting out of his own driveway.

Michael Keough 441 Ramapo Ave steps up asks about the exit- can you make a left? States that cars zip around making a right at the light without even stopping.

Mr. Istranyi says yes you can make a left.

Barbara Severs steps up 422 Ringwood Ave steps up she asks about environmental issues with chemicals and runoff.

Mr. Vogel answers yes there was previous testimony about being non-toxic, biodegradable and very efficient water system.

Henry Maliborski 2 Spruce St. Steps up asks if the sign will be lit at all hours.

Mr. Istranyi answers the sign will be turned off when closed.

Irish Maliborski 2 Spruce St Steps up asks about the bus stops, could they be looked at.

Mr. Simone closes public questions. **All in favor.**

Mr. Vogel states we have completed application we rest.

Mr. Simone asks Mr. Tango and Ms. Lawlor to summarize traffic concerns.

Mr. Tango states that these issues mentioned tonight have been brought before the county the county has no objections to the changes as stated in his letter dated February 11, 2019.

Mr. Simone asks if any board members have questions.

Dr. Pendexter asks about the driveway widths & where did the extra width come from?

Mr. Istranyi answers from their property to also accommodate the Dentist.

Mayor Serra states there is a bus stop location in the middle of Ringwood Ave.

Mr. Istranyi states we can look into relocating bus stops with the county. He can work with NJ Transit.

Mr. Ronald Gordon, the objectors attorney states he has 3 witnesses he would like to present. He first introduces his professional engineer Mr. Brian Intindola.

Mr. Intindola is sworn in and accepted as professional. He provides a diagram exhibit 0-1 and speaks about the vacuum spaces and is concerned about the space of each one and the wing spans of cars when they open their doors.

Mr. Simone states Mr. Intindola is working off the old site plan and needs to work off the new site plan C4 dated January 2019. Mr. Simone provides the new site plan to Mr. Intindola.

Mr. Intindola states even with the 12 foot spaces he feels it's not enough space. Mr. Intindola states his concerns with cars stacking, and the radius however he realizes the plan has been revised. He mentions Ordinances. He commented on vacuums and believes cars can come in and simply vacuum on site.

Mr. Vogel asks him if he has read the Pompton Lakes Ordinances. He asks if he has read County Ordinances.

Mr. Intindola states he has read the ordinances.

Mr. Vogel asks him if he has seen any of the county records. The issues were brought to the county.

Mr. Intindola states no he tried multiple times with the county.

Mr. Vogel asks him when he was first retained from the objector.

Mr. Intindola replied just before Christmas, back in December. He had listened to the transcripts of the Planning Board meetings. He mentions NJ DOT counts but said Stonesfields counts are valid.

Mr. Vogel asks him if Stonefields counts are reasonably acceptable and also accountable to the county.

Mr. Intindola states he cannot form an opinion as to what the county feels is acceptable.

Mr. Tango asks Mr. Intindola if the wing spans he is concerned about would differ on each vehicle, and states he does not agree with his testimony on queuing especially because he is working on an old site plan. He states 18 vehicle queue is reasonable for this use.

Mr. Simone asks Mr. Intindola to look at the revised site plan so he can be reasonably accurate.

Mr. Ronald Gordon asks his engineer if in his opinion if 12 cars stack up to the pay station is it sufficient amount to service this site.

Mr. Vogel objects to this question based upon Mr. Intindola's qualifications.

Mr. Gordon asks from the pay station to ingress how many cars can stack on site?

Mr. Intindola says 5 in one position, 6 in another position. He doesn't feel there is sufficient queue on the outer lane.

Ms. Michael states if code is used it doesn't apply to this.

Mr. Simone Opens to all any questions to this witness. **All in favor.**

Mr. Simone Closes since there is no questions.

Mr. Sam Baghal steps up as the next witness he is sworn in. He states he is the owner and operator of the Major League Auto Spa in Pompton Lakes. He states he has owned 6 car washes in different locations. He feels he is an expert in the car wash business.

The Board establishes him as experienced in the car wash field.

Mr. Gordon asks him to give his testimony.

Mr. Baghal states that car washes generally bring traffic noise.

Mr. Brewer states this is opinion testimony.

Mr. Tango agrees Mr. Baghal can talk more about operations of a car wash not traffic or safety issues.

Mr. Baghal states he does not think this proposed car wash will operate sufficiently due to stacking. He does not feel the size of the tunnel will produce the volume that they are estimating. He feels the cars will cause backing up on Ringwood Ave. He presents pictures of examples of stacking from other car washes. They will be labeled as exhibits. Exhibit 0-2, 1720 US 46 Woodland Park, Exhibit 0-3, 784 Holly Crossway in Wayne, Exhibit 0-4, 485 Ridge Road, N. Arlington, Exhibit 0-5, 485 Ridge Rd. N. Arlington, Exhibit 0-6, 11 Locust St. Pompton Lakes, Exhibit 0-7, 11 Locust St. Pompton Lakes, Exhibit 0-8, 11 Locust St. Pompton Lakes. He states these exhibits show stacking of cars for car washes.

Mr. Gordon asks as an operator of several facilities do you have an opinion of how this site will do with the ordinance.

Mr. Vogel objects, What Ordinance are you talking about? What section? Do you even have an ordinance? You need to establish a basis. Mr. Vogel questions Mr. Baghal have you read such ordinance and are you familiar with it.

Mr. Simone asks Mr. Baghal do you have any opinions on equipment, functions.

Mr. Baghal states yes, it will not function.

Mr. Simone asks why? Is the equipment suitable for the car wash?

Mr. Baghal says yes it its good equipment, brand and function.

Mr. Otto asks on the average day how many cars?

Mr. Baghal states on an average day 130 – 200 cars a day although there are peak days. It is all weather related.

Mr. Otto asks how many cars on a peak day? There is no car wash on peak days that cars won't spill out.

Mr. Baghal agrees.

Mr. Vogel asks him if the equipment on the proposed plans would operate efficiently.

Mr. Baghal answers yes.

Mr. Keating asks how many cars in the queue on picture 0-6.

Mr. Baghal states 14 cars.

Mr. Keating asks at any of your facilities do you have vacuum stalls and what are there widths?

Mr. Baghal states 13 feet.

Mr. Troast, Councilman Baig ask him questions about how many cars stack on his own car wash.

Mr. Baghal says yes 3 cars but I am preexisting.

Mr. Vogel asks him if he has ever operated a pay station car wash.

Mr. Baghal answers no, he uses people instead of a pay station.

Mr. Simone Opens questions to the public

Motion made by Mr. Troast, seconded by Mr. Fracaro **All in favor.**

Mr. Henry 2 Spruce St. Steps up and asks what is the difference between your car wash and the proposed car wash with location.

Mr. Baghal answers the proposed car wash is in a busy intersection.

Mr. Simone closes this portion to the public.

Mr. Gordon introduces his next witness Jeffery Bell as an expert in sales and operations.

Mr. Bell is sworn in. He states his family has been in the car wash business since 1947, he is third generation. He is a broker, distributor who sells car washes and the equipment.

Mr. Gordon asks if he has an opinion on how many cars per hour they will produce.

Mr. Brewer asks what he an expert is really in.

Mr. Bell states he sells equipment, installs equipment, develop sites and lay outs & reload car wash and is a broker.

Mr. Gordon asks him if the operation would need a larger site.

Mr. Bell answers this proposed car wash is an express wash with pay stations takes a little more time, customer can vacuum on their own. It takes more time.

Mr. Vogel asks him if he supplies equipment to Mr. Baghal for his car washes.

Mr. Bell answers yes.

Mr. Simone asks any questions from the public for this witness. **All in favor.**

Mr. Simone closes public question since there is no questions.

Mr. Simone states there are no more witnesses we will close this session and Open comments to the public. **All in favor.**

Mr. Simone asks that the public keep it brief because of the time try and keep it 2 minutes maximum. There will be opportunity next month 3/19/2019 also.

Eric Wasserman 58 Ringwood Ct. is sworn in. He states that you are volunteers to do what is best for Pompton Lakes. He states he moved here because he can say “make a left at the church” and not “make a left at the car wash” It’s not ideal for my children.

Albert Evangelista 51 Ringwood Ct is sworn in. He is concerned about traffic and stacking. He feels the light should be changed. There are 2 bus stops needs looking into.

Charles Quant 122 Hamburg Tpk is sworn in. He doesn’t feel the property is big enough for this proposed car wash. Is concerned with stacking and emergency vehicles being blocked.

Irish Maliborski 2 Spruce St. is sworn in. She stated it is a very busy intersection. She is a runner and has children walking the area.

Michael Keough 441 Ramapo Ave. is sworn in. He is concerned with stacking and this location. People making a right at the light do not stop they just turn right in. It is dangerous. He is also concerned with the bus stops.

Mr. Simone Closes the portion of public comment and thanks everyone for coming.

RESOLUTIONS: None

CONCEPTUAL: None

NEW/UNFINISHED BUSINESS:

Mr. Simone asks the master plan committee if they have anything to report, anything on the DuPont site.

Debbie Lawlor states they are working on it. Working on rezoning language.

ADJOURNMENT:

Mr. Troast made a motion to adjourn the meeting at 11:06 pm and seconded by Mr. Fracaro. **All voted in favor.**

Lynnette Bradley, Secretary