

**MINUTES OF THE April 16, 2019 PLANNING BOARD
REGULAR MEETING**

The following are the minutes of the April 16, 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.

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

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

Mr. Steve Soojian was excused from the meeting.

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

MINUTES:

Regular Meeting Minutes dated March 19, 2019. Motion moved by Mr. Fracaro and seconded by Mr. Troast to approve. **All eligible voted in favor.**

CORRESPONDENCE:

Ordinance 19-13 – Ordinance amending, deleting and adding certain provisions of the Borough Land Use Code dealing with zoning changes for the DuPont (Chemours) tract (Block 100 Lots 3, 6.01 and 7).

Mr. Simone Jr. introduces the Board attorney Mr. Brewer to go over MLUL.

Mr. Brewer states the Master Plan is renewed re-examined every 10 years. In 2017 Mr. Tango the board engineer and Ms. Lawlor the board planner were very thorough and had the re-examination of the master plan complete. The recommendation of the master plan is made by the Planning Board. They put together the ordinance implementation and accommodations of the master plan with the governing body and other professionals in town. The re-zoning of the DuPont site is brought before the board before going to the governing body and they can adopt it consistent with the master plan.

Mr. Simone Jr. states there is changes with the recreational zone to hybrid industrial district. There is some design standards built in. It lists the permitted uses, permitted accessory uses and prohibited uses.

Mr. Simone Jr. opens to the public with comments limited to zoning and its effects and the master plan, no environmental. He states the Planning Board cannot entertain environmental issues. They can speak at the end of the meeting in Open Session to Public.

Motion made by Mr. Fracaro, Seconded by Mr. Troast. **All in Favor**

Peter Chazotte 314 Woodlawn Ave. steps up and asks if the Master Plan can be changed before 10 years.

Lisa Riggiola 283 Ryerson Rd. steps up and asks when they did the master plan was DuPont involved? Was the EPA & DEP involved?

Mr. Brewer states no.

Richard Lombardo 30 Schuyler Ave. Steps up and asks if this re-zoning will benefit DuPont? Environmentally

Mr. Simone Jr. states we cannot entertain anything with environmental issues.

Randy Hinton 443 Montclair Ave. steps up asks about recreational use could it be a golf course.

Helen Martens 59 White Way steps up she feels the re-zoning hurts the cleanup effort.

Andrew Krinsley 157 Laurel Ave steps up and asks could we go back to the original zoning years down the road if we find problems with the cleanup.

Mr. Simone Jr. states we have nothing to do with the EPA or environmental cleanup. Yes you can go back and re-visit the zoning but not because of environmental cleaning.

Joseph Intintola 32 Walnut St. Steps up and asks if the zoning could stay residential and asks if anyone was aware of the civil court case which is active and he doesn't think it's legal. He heard a possible new DPW might be going in.

Mr. Simone Jr. Close's public comments session. **All in favor**

Mr. Brewer states he has prepared a resolution to define the Ordinance 19-13 consistent with the Master Plan and reads it. He asks it to be adopted in its current form without recommendations.

Motion for Ordinance 19-13 made by Ms. Michael seconded by Mr. Otto.

**Roll Call: Mr. Simone Yes, Mr. Fracaro Yes, Ms. Michael Yes, Mr. Otto Yes, Mr. Troast Yes, Dr. Pendexter Yes, Mr. Edgellar Yes, Mayor Serra Yes, Councilman Baig Yes, Mr. Keating Yes
All in Favor**

APPLICATIONS:

1. PB 18-09
9 Hamburg Tpk. LLC
12-24 River Road
Fair Lawn, NJ 07410

Mr. Simone Jr. introduces the application for 9 Hamburg Tpk. and introduces Lindsay Janel the attorney for the applicant.

Ms. Janel states the Board should have the revised drawings from their engineer and introduces him Mr. Perry Frenzel.

Mr. Frenzel states they made revisions to the plans in response to the Board Engineer and Board Planners recommendations. He explains drawing # 3 of 4. He explains the landscaping and lighting plan.

Mr. Tango has no problems with the plans but has concerns about the relocation of the electrical lines, and wants to make sure it is done.

Mr. Brewer states that the approval will be subject to the relocation of the electric and that it should be worked out with the neighbor who is affected, due to safety concern.

Ms. Janel states yes they would be willing to relocate the electric line, underground.

Mr. Simone Jr. Opens to public comments on this application. **All in favor**

Randy Hinton steps forward and asks if the plantings discussed are on the borough right of way and what kind of trees they will be planting.

Mr. Simone Jr. states it looks like everything is in the property line.

Mr. Simone Jr. closes public comments.

Mr. Simone Jr. states that this will be an asset to the Borough.

Mr. Keating asks if the address can be only 9 Hamburg Tpk instead of 7 – 9 Hamburg Tpk.

Ms. Janel says she doesn't see it to be a problem as long as it is ok with post office.

Motion to approve the application by Mr. Fracaro seconded by Ms. Michael

**Roll Call: Mr. Simone Yes, Mr. Fracaro Yes, Ms. Michael Yes, Mr. Otto Yes, Mr. Troast Yes, Dr. Pendexter Yes, Mr. Edgeller Yes, Mayor Serra Yes, Councilman Baig Yes, Mr. Keating Yes
All in Favor.**

RESOLUTIONS:

1. PB 18-09

9 Hamburg Tpk., LLC
12-24 River Road Fair Lawn, NJ 07410

Motion to approve resolution made by Mr. Troast seconded by Mr. Fracaro

**Roll Call: Mr. Simone Yes, Mr. Fracaro Yes, Ms. Michael Yes, Mr. Otto Yes, Mr. Troast Yes, Dr. Pendexter Yes, Mr. Edgeller Yes, Mayor Serra Yes, Councilman Baig Yes, Mr. Keating Yes
All in Favor**

2. PB 18-05

105 Hamburg Tpk.
1534 Rt. 23 N., Wayne, NJ 07470

Motion to approve resolution made by Mr. Troast seconded by Ms. Michael

**Roll Call: Mr. Simone Yes, Ms. Michael Yes, Mr. Otto Present, Mr. Troast Yes, Dr. Pendexter Yes, Mr. Edgeller Yes, Mayor Serra Yes, Councilman Baig Yes,
7 Votes**

CONCEPTUAL:

1. Christina Sepulveda
270 B Wanaque Ave.
CBD retail store for medicinal use

Mr. Simone Jr. introduces Christina Sepulveda.

Ms. Sepulveda explains her proposal to open a retail store to sell CBD products. She states she is in the medical field and uses the products for herself to help alleviate pain. She explains how it replaces pain medicines and the opioid problem. She believes it will be sold for only 18 years of age and older.

Mr. Fracaro asks if she has opened a bank account for the business yet.

Ms. Sepulveda states not yet.

Mayor Serra feels she should contact the health department and the police department for guidance.

Mr. Brewer states if it is a legal product and it abides by state laws it is a permitted use.

Mr. Simone Jr. we don't see any objection and wishes her good luck with the retail store.

Mr. Simone Jr. opens session to public

Joseph Intintola 32 Walnut St. asks if the new car wash had plans for water usage.

Randy Hinton 443 Montclair Ave. Steps up and asks for a copy of the 19-13 resolution

Helen Martens 59 White Way steps up and asks for a copy of 19-13 resolution

Lisa Riggiola 238 Ryerson Rd. Asks if the master plan looked at the flood plain area of DuPont?

Mr. Brewer states it's a general development plan.

NEW/UNFINISHED BUSINESS:

Master Plan Re-Examination.

Redevelopment Plan

ADJOURNMENT:

Motion moved by Mr. Fracaro, seconded by Mr. Otto. All voted in favor for the adjournment of the meeting at 9:08 P.M.

Lynnette Bradley, Secretary