

**MINUTES OF THE APRIL 19, 2022 PLANNING BOARD
REGULAR MEETING**

The following are the minutes of the April 19, 2022 Regular Meeting of the Planning Board of the Borough of Pompton Lakes that was held in the Municipal Building, 25 Lenox Avenue and called to order at 8:00 P.M.

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

A roll call indicated the following members were present: Mr. Mike Simone, Mr. Tim Troast, Mr. Richard Fracaro, Ms. Anne Marie Michael, Mr. Brian Otto, Dr. Pendexter, Mr. John Keating, and Mayor Michael Serra.

Mr. Steve Soojian, Mr. Steve Edgeller and Councilman Erik DeLine were excused.

Also present were Andrew Brewer, Board Attorney; Mr. Ralph Tango, Board Engineer; Jay DeFelicis, Board Planner; Lori Clinton, Redevelopment Secretary and Carmelina Fusaro, Board Secretary.

MINUTES:

Regular Meeting Minutes dated March 15, 2022.

Motion moved by Mr. Fracaro and seconded by Mr. Troast to approve minutes with changes. **All eligible voted in favor.**

CORRESPONDENCE:

- ORDINANCE NO. 16-2022 AN ORDINANCE TO AMEND CHAPTER 134 (LAND DEVELOPMENT) OF THE CODE OF THE TOWNSHIP OF WAYNE
- LEGAL NOTICE ORDINANCE NO. 16-2022 TOWNSHIP OF WAYNE COUNTY OF PASSAIC STATE OF NEW JERSEY -AN ORDINANCE TO AMEND CHAPTER 134(LAND DEVELOPMENT) OF THE CODE OF THE TOWNSHIP OF WAYNE
- **Hudson-Essex-Passaic Soil Conservation District:** Lenas Car Wash Facility – 105 Hamburg Tpk. – Fees & Recertification for 3.5 years.
- **Borough of Bloomingdale Ordinance No. 4-2022** - notice of adoption

APPLICATIONS:

1. **PB 22-01**
237 Hamburg Turnpike, LLC
237 Hamburg Turnpike
Block 8300 Lot 9

The following professionals represented the applicant:

- Mr. Russ Teschon, attorney, Teschon, Riccobene & Siss, PA
- Mr. Christiano Pereira, architect, CPA Architecture
- Mrs. JoAnn Ventor, owner, Rhino Studio 237.

Mr. Teschon stated that the applicant is seeking approval for an amended Minor Site Plan and C Variance

Mr. Christiano and Ms. Vantor were sworn in by Mr. Brewer.

Ms. Vantor explained the reasons for the application. She stated that the theater is trying to recoup financial losses due to COVID-19. They are proposing:

- a covered deck with a concession area
- concession stand will serve small bites (appetizers), charcuterie boards, soft drinks and coffee
- only for her patrons, not open to the public
- a garage door to access the outdoor area will only open before and after performances during normal business hours
- the only access for the concession area is through the building
- there will be no performances outside
- possibly some music, but nothing will be used to amplify the sound

Mr. Pereira was introduced and explained the layout from the plans. He described:

- the decking and roof
- the placement of the concession stand
- the handicap accessible ramp that will lead to the back to the new area
- the proposed roofing
- the ceiling fans for cross ventilation, heating lamps for heat
- the drainage off the new roof
- the drainage pit underneath a portion of the proposed deck can be dismantled to obtain access to the drainage pit
- no new signage

There was extensive discussion about the drainage off the roof. Mr. Pereira described the current drainage plan stating that there have been no drainage problems previously. He stated that:

- the leaders are directed into the gravel area underneath the decking
- the deck can be dismantled in the event maintenance is needed
- the drainage pipes underneath the deck will be easy to clean out

Ms. Vantor provided further details:

- performances are 2 weeks out of the month
- the doors would be closed by 11pm, sometimes a little later on the weekend
- no performances will be done in the outdoor area
- no smoking will be permitted

Motion moved by Mr. Keating and seconded by Mr. Fracaro to open the public session. **All voted in favor.**

Kathleen Lockwood, 9 Center Street, Pompton Lakes, NJ, asked if there will be more traffic with the addition of the new concession area. She said that there are many customers of the theater that park on Center Street. She has concerns about the extra staff and extra hours.

Ms. Vantor explained that during COVID there were customers directed to park on the street since the stage was in the parking.

Ms. Vantor stated that customers will be directed to use the parking lot and customers would not be directed to park on the street.

Motion moved by Mr. Troast and seconded by Ms. Michael to close the public session. **All voted in favor.**

Ms. Vantor responded to more questions from the board members.

Ms. Vantor stated that there will not hold any performances in the parking lot, so the street parking should be minimal. They do ask their customers to use the lot and if they have to park on the street not to block driveways.

Ms. Vantor stated they will not extend hours of operation and there may be 3 or 4 additional staff hired.

Ms. Vantor stated that the theater occupancy is 200.

Mayor Serra stated that if there is an issue with parking on the street, the police should be called.

Mr. Simone opened the meeting to the public for comments.

There were no comments. The public session was closed.

Motion moved by Mr. Fracaro and seconded by Mr. Keating to approve application PB22-01.

Roll Call: Mr. Simone, **Yes**; Mr. Fracaro, **Yes**; Mr. Troast, **Yes**; Ms. Michael, **Yes**; Mr. Otto, **Yes**; Dr. Pendexter, **Yes**; Mayor Serra, **Yes**; and Mr. Keating, **Yes**.

The motion is approved.

1. PB 22-03

261 Urban Renewal (Meridia)
Wanaque Avenue & Babcock Place
Block 6300 Lots 7, 25.01, 25.02, 25.03, 26 & 27

The following professionals represented the applicant:

- Mr. Steve Mlenak, Attorney, Greenbaum, Rowe, Smith, & Davis, LLP
- Mr. Arthur Kuyan, Engineer, Stonefield Engineering
- Mr. Brian Taylor, Architect, Taylor Architecture & Design

Mr. Mlenak stated the applicant is looking for amended site plan approval to add pedestrian bridges to each residential level connecting the two buildings together.

Mr. Kuyan and Mr. Taylor were sworn in.

Mr. Taylor describe the proposed change, adding pedestrian bridges to the residential levels. He stated the change would make it easier for building B tenants to access the lobby without having to walk through the parking lots. He stated that the plan includes:

- relocating one staircase in building A
- eliminating one elevator in building B, which will add space to the living area of adjacent units on all five levels and allow space for extra utility and data closets
- bridges will be constructed with a curtain wall glass system
- all elevators are sized for gurneys
- 3 emergency egress staircases

There was discussion about the removal of the second elevator in building B. Mr. Mlenak stated that the buildings are now connected and functioning as one, eliminating the need for the fourth elevator.

Mr. Kuyan stated there were minor site changes. They were able to gain 2 additional parking spots.

Mr. Kuyan has been working with Colliers on resolution compliance. The applicant has gotten county approval and soil conservation approval. They are still working with the MUA to finalize their approval.

Mr. Kuyan stated they are still working on the emergency exit to the municipal lot. The sprinkler room was relocated to building A. Mr. Kuyan said they are coordinating with the placement of the fire hydrants with the municipality and the MUA.

Mr. Tango stated that drawings for the retaining wall and updated sewer drawings will be required for resolution compliance.

Mr. Simone opened the meeting to the public for questions. There were none.

Mr. Simone closed the public session.

Mr. Kuyan stated that they will add the extra hydrant to the plan as requested.

Mr. Simone opened the meeting to the public for comments. There were none.

Mr. Simone closed the public session.

Motion moved by Mr. Keating and seconded by Mr. Troast to approve application PB22-03 with the condition the applicant will confer with the MUA regarding the addition of a second fire hydrant and will comply with the MUA decision.

Roll Call: Mr. Simone, **Yes**; Mr. Fracaro, **Yes**; Mr. Troast, **Yes**; Ms. Michael, **Yes**; Mr. Otto, **Yes**; Dr. Pendexter, **Yes**; Mayor Serra, **Yes**; and Mr. Keating, **Yes**.

The motion is approved.

1. PB 22-02

Galway Bay LLC (Thatcher McGhee's)
6 Wanaque Ave
Block 2100 Lot 37.01

The following professionals represented the applicant:

- Mr. Dennis Francis, Attorney, Law Offices of Dennis J. Francis
- Mr. Brendan Madden, Owner, Thatcher McGhee's
- Anthony DeVizio, Engineer, Anthony M. DeVizio, P.E., P.L.S.

Mr. Francis stated the applicant that seeking approval for a permanent outdoor structure and serving shed in the front parking lot.

Mr. DeVizio stated his qualifications as an expert. Mr. Madden and Mr. DeVizio were sworn in.

Mr. DeVizio described the proposed project using the survey that was provided to the board. He stated that:

- the new outdoor area will be located in the front parking lot which will result in the loss of 7 parking spots
- 65 parking spaces on site
- The pavilion does not affect the existing traffic circulation pattern
- the curbs in the parking lot along Ringwood Ave. and Wanaque Ave. will remain
- there will be a slight pitch on the patio area for drainage

- 6 variances are requested
- elevations of the structure will be requested from the manufacturer and provided to the board
- 36 inch high enclosure around the covered pavilion
- ADA accessibility to the pavilion
- cellar doors remain but will not be used during operating hours
- sidewalk replacement
- outdoor seating is limited to 64 seats

Mr. Madden stated the dining room would only be used if the outdoor area is not being used. The kitchen would not be able to accommodate the volume if both the outdoor area and the dining room is used at the same time. The bar seating will remain the same.

There was extensive discussion about style of fencing around the area. The applicant will provide details to the board before approvals. The fencing will have to be compliant with the state liquor authority and county requirements.

Mr. Tango suggested that they could use 2 separate components for traffic protection. He used the example of an open fence with some boulders or bollards.

The board agreed that they would prefer a split rail fence with either boulders or planters.

Mr. Madden stated that no food or drinks will be served outside after 10:00 pm.

Mr. DeVizio responded to comments in the Colliers Engineering review letter. Mr. Tango asked that Mr. DeVizio make the changes to the plans as testified to, and submit revised plans for the May meeting.

Mr. Simone suggested the paved area by the service area be blocked off somehow so customers wouldn't try to park there. Mr. Madden agreed.

Mr. Simone opens to the public session. There were no comments and the public session was closed.

Motion moved by Mr. Fracaro and seconded by Mr. Keating to direct the attorney to prepare a resolution based on tonight's presentation to be carried over for next month. **All voted in favor.**

Mr. Brewer announced that the hearing will be carried over with no further notice to be published.

RESOLUTIONS:

None

PUBLIC DISCUSSION:

Chairman Simone opened the meeting to the public. There were no comments and the public session was closed.

ADJOURNMENT:

Motion to adjourn moved by Mr. Fracaro and seconded by Mr. Keating. **All voted in favor.** Meeting adjourned at 10:12 pm. Next meeting scheduled for May 17th, 2022.

Carmelina Fusaro, Board Secretary