

**Township of Little Falls  
County of Passaic  
New Jersey**

Tel: (973) 256-0170

Municipal Building  
225 Main Street  
Little Falls, NJ 07424

**LITTLE FALLS PLANNING BOARD  
MINUTES OF REGULAR MEETING OF  
July 6, 2017**

Members Present:	W. Kilpatrick (Chairman) R. Greco (V. Chairman) C. Gaita J. Strothers L. Dearani K. Barry	Also Present:	Mayor James Damiano Anthony Sgobba (Councilman) Richard Brigliadoro, Esq. Michael Cristaldi (Engineer) Joe Macones V. Laky (Board Secretary)
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Members Absent: W. Kohlman  
M. Fojut ((1<sup>st</sup> Alt.)  
AJ Alvarez (2<sup>nd</sup> Alt.)  
J. Reilly (3<sup>rd</sup> Alt.)  
Rocco Corage (4<sup>th</sup> Alt.)

The meeting was called to order at 7:30 p.m. by the Chairman stating at least 48 hours' advance notice of this meeting was given to The Herald & News, placed on the bulletin board in the Municipal Building, filed with the Township Clerk, and posted on the Little Falls Township website.

**Council to Address the Board:**

**Approval of Minutes:** for June 1, 2017.

Mr. Greco motioned, seconded by Mr. Gaita to approve the Minutes of June 1, 2017.

Poll of the Board: Ayes: Greco, Gaita, Strothers, Dearani, Barry, Mayor Damiano, Kilpatrick

Nays: None

The Chairman declared the Minutes Approved.

**Resolutions:**

**1. Outfront Media (Park West Diner) – 1400 Route 46 West, Little Falls, NJ**

Mr. Greco motioned, seconded by Mr. Dearani to approve the Resolution as presented.

Poll of the Board: Ayes: Greco, Gaita, Strothers, Dearani, Kilpatrick, Mayor Damiano

Nays: None

The Chairman declared the Resolution Approved.

**APPLICATIONS:**

**1. Corey Eoepchino – 155 East Main Street. Rear exit staircase. Block 166, Lot 22.**

John Veteri, Esq., attorney for the applicant came forward to state that the applicant is requesting minor site plan approval “c” variance to construct a stairway from the second floor of the existing building to access a small enclosed yard.

Joseph Sterba, Architect for the applicant came forward to state that the subject property is a mixed-use site with two (2) residential apartment on the second floor. The applicant is proposing construct a stairway from the second floor of the existing building to access the yard. He stated that the staircase will be a conventional staircase with concrete footings and treated wood. He also stated that this would provide an additional means of egress from one of the apartments on the second floor (the other apartment has an inside staircase leading to the front of the building). He also said that the staircase would not be covered. He stated that the applicant is seeking a “c” variance with regard to rear yard setback where 30 ft. is the minimum, the existing is 15.87 ft. (which is reduced due to the addition of the staircase to 12.37ft.).

This portion of the meeting was opened to the public of Mr. Sterba. Ms. Ellen Colucci came forward to state that she has photos of the rear yard showing debris. She maintained that she has been maintaining a garden bed and that since the applicant moved in, they have destroyed it. Mr. Veteri stated that there is a boundary dispute with the applicant and Ms. Colucci which was just recently resolved and therefore, part of that boundary was removed from Ms. Colucci. Ms. Colucci raised issues with property maintenance and objects to the staircase as the applicant will be able to look over into her yard. No others coming forward, this portion of the meeting was closed to the public.

Mr. Gaita stated that due to the maintenance issues with the yard, he stipulates that the applicant cannot start any building until the yard is cleaned up. Mr. Veteri stated that the applicant will comply with the Code as a condition of approval and no permit will be issued until cleanup is done.

Mr. Greco, seconded by Mr. Dearani, to approve the application as presented with a staircase and variance for rear yard setback to 12.37ft., and no building permit is issued until the yard is cleaned up.

Poll of the Board: Ayes: Mayor Damiano, Councilman Sgobba, Chairman Kilpatrick, Vice-Chairman Greco, Commissioners Strothers, Dearani, and Barry.

Nays: Commissioner Gaita

The Chairman declared the application Approved.

**Mayor Damiano and Councilman Sgobba excuse themselves from hearing this application (“C” variance), and due to conflict, Mr. Gaita is also excused.**

**Before beginning the hearing for this application, Chairman Kilpatrick states to Attorney Veteri that there are only five (5) voting members here tonight and asks if he still wishes to proceed with his application. He replied that he would like to proceed with absent members to listen to the tape.**

**2. Taste of Little Falls, LLC (Dunkin Donuts) – 126 Newark Pompton Turnpike, Blok 54, Lot 1.**

John Veteri, Esq., attorney for the applicant came forward to state that the applicant is requesting a use variance

approval to maintain the drive-thru window which is prohibited use under the Ordinance. He stated that the previous residents, Great Falls Bank, received approval from the Board in 2012 permitting the construction of a bank with a drive-thru. The bank functioned for several years and the branch was closed in 2015. The applicants purchased the building for use as a Dunkin Donuts store.

Patrick McClellan, Professional Engineer came forward to state that the applicant is proposing ingress to the site only from Newark Pompton Turnpike with 2 access driveways off of Second Street, one for egress only and the other is both ingress and egress (which is closest to the intersection of Second and Newark Pompton Tpke.). He also stated that there are currently eighteen (18) parking spaces and they are proposing to reduce them to twelve (12) spaces, which will conform with the Ordinance requirements relative to seating inside the establishment. He also stated that two (2) parking spaces will be 9 ft. x 23 ft. in length (10 x 20 ft. is required), adding a trash enclosure and adding a traffic sign on the site. He said that the applicant is providing landscaping to the site as well. At this point, the Board Engineer stated that a conflict exists with regard to the circulation on the site. He said if the stacking lane is full, this will cause a major overload and vehicles will not be able to turn around, so they must use the drive-thru pass to exit the site.

Mohammed Haque, owner of Dunkin Donuts came forward to state that the hours of operation for the store is 5:00 a.m. to 11 p.m., seven (7) days per week. He was also asked about the delivery truck, and how long it takes to unload. He said it takes approximately 30-40 minutes and that it was a 53ft. tractor trailer. He also said that no baking was done on the site, only heating up food. He added that there are only four (4) employees on site at all times and five (5) employees on the weekend.

The meeting was opened to the public at this time of Mr. Haque. Carmen Gaita, a member of the Planning Board who recused himself because of a conflict receiving notice of this application, came before the Board to state that he is not against this application, but has observed the Dunkin Donuts between the hours of 7:00 a.m. and 9:00 a.m. and observed the tractor trailer deliver items for approximately one and one-half hours, and that parking spaces on site are always filled up, which may cause a problem. No others coming forward, this portion of the meeting was close to the public.

Mr. Charles Olivo, Engineer for the applicant, who later will also testify as the Planner for the applicant with qualifications, stated that the proposed use of the property as a Dunkin Donuts is considered an adaptive reuse because the building was formerly a bank with a drive-thru. He confirmed that the number of parking spaces is sufficient to meet the ordinance requirement. He said that providing a drive-thru will provide options for patrons. He said that the drive-thru bypass lanes would remain unchanged and would provide stacking capacity for about eight (8) vehicles. He did omit that there may be some blocking in the queue when the stacking lane is full. The Chairman stated that the drive-thru area is a tight area for maneuvering vehicles. That being said, Mr. Haque stated that they can remove the concrete median, remove the canopy and that may add a little more room to navigate. Other Board Members offered their concerns as well. Mr. Haque stated that by adding the drive-thru, it will increase his business by 20%. The Board Members questioned the plans for the snow removal on the site. Mr. Haque stated that in heavy snowfall events, he would have to have it removed from the site.

The meeting was opened to the public at this time of Mr. Olivo as Engineer. Carmen Gaita, came forward to state that if employees are parking near the garbage removal area, then the truck cannot get there to remove the garbage. The applicant replied that he will have to have them move their cars. He questioned if there can be a smaller tractor trailer to deliver the products. He stated that the circulation on the site is too difficult.

Mr. Charles Olivo, testifying as the Planner, stated that under the Municipal Land Use Law, the applicant is promoting visual improvement and providing a free flow of traffic as to efficiency and movement on the site with the plan as presented. He feels that this site is suitable for the proposed use because the prior use contained a

drive-thru window.

This portion of the meeting was opened to the public of the Planner, Mr. Olivo. No one coming forward, it was closed to the public.

Mr. Veteri stated that he and his applicant understands the amount of Members present tonight and requested that a vote be taken tonight despite only having five (5) voting members.

Mr. Greco motioned, seconded by Mr. Dearani to Deny the application based on negative criteria regarding traffic queueing up on the site, traveling public along Newark Pompton Turnpike near the access driveway, and on site circulation conflicts. Mr. Dearani stated that the site is too small for the use causing blocking of parking on site.

Poll of the Board: Ayes: Chairman Kilpatrick, Commissioners Greco, Dearani, and Barry

Nays: Commissioner Strothers

The Chairman declared the application Denied.

**OLD BUSINESS:**

**NEW BUSINESS:** John Veteri, Esq., attorney for Veranda Ave. Properties, LLC (29 Coney Road & Veranda Avenue, Little Falls, NJ) came before the Board to state that the applicant was previously granted a minor subdivision approval to subdivide the property into three (3) lots on August 4, 2016. The Board further granted an extension on April 6, 2017 extending time through June 8, 2017 to perfect the minor subdivision. The applicant is now seeking a further extension of the minor subdivision in order to perfect the minor subdivision through October 6, 2017. A Resolution was prepared and will be voted upon at the August 3, 2017 meeting.

**Approval of the Bills:** As presented.

**Adjournment**