

**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
REGULAR MEETING OF THE BOARD
VIRTUAL MEETING WAS CONDUCTED
April 7, 2022**

Members Present:	W. Kilpatrick (Chairman) R. Greco (Vice Chairman) R. Corage K. Barry L. Damiano D. Damiano (2 nd Alt.) Dr. E. Abdi	Also Present:	Mayor James Damiano Anthony Sgobba (Councilman) Richard Briigliodoro, Esq. Michael Cristaldi (Engineer) San Chavan (Planner) Valerie Laky (Board Secretary)
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Members Absent:	C. Gaita M. Seber D. Cataldo (1 st Alt.) M. Pocius (3 rd Alt.)
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The “virtual” meeting of the Planning Board meeting was called to order at 7:00 p.m. by the Chairman stating at least 48 hours’ advanced notice of this meeting was given to The Herald & News, The Bergen Record, the Little Falls Website, filed with the Township Clerk, and a copy of the notice was placed on the door of the Municipal Building.

Council to address the Board: One comment from the Council Meeting was that a member of the public was concerned about the virtual meetings of the Planning Board not meeting in person. He felt that it was not giving the public ample time to discuss their comments and concerns properly.

Approval of Minutes: for March 3, 2022

Mr. L. Damiano motioned seconded by Councilman Sgobba to approve the minutes of March 3, 2022 as presented:
Poll of the Board: Ayes: Greco, Corage, L. Damiano, Mayor Damiano, Councilman Sgobba, D. Damiano, Dr. Abdi, and Chairman Kilpatrick
Nays: None

The Chairman declared the minutes for March 3, 2022 Approved.

RESOLUTIONS:

1. **LEVCO** - 1710 Route 46 West (KOHL'S SHOPPING CENTER). Signs located on Block 122, Lot 11. Replacement of Sign A and expansion of Sign B. B-2 Zone. Preliminary and Final Site plan approval with "c" variance relief for free standing signs.

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

Poll of the Board: Ayes: Greco, Corage, L. Damiano, Mayor Damiano, Councilman Sgobba, and Chairman Kilpatrick
Nays: None

The Chairman declared this Resolution **APPROVED**.

2. **ZEN REAL ESTATE LLC d/b/a HNA Production, Inc.**- 47 Sindle Avenue, Block 218, Lot 8.01 and 8.05. Industrial Zone. Alter existing warehouse. Variances required.

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

Poll of the Board: Ayes: Greco, Corage, L. Damiano, Mayor Damiano, Councilman Sgobba, and Chairman Kilpatrick
Nays: None

The Chairman declared this Resolution **APPROVED**.

APPLICATIONS:

1. **BRUCE LAWSON** - 78 Louis Street. Block 84 Lots 33, 34 and 35. Bulk Variance rear yard setback for enclosure of a pre-existing deck into a 3-season room.

The Applicant, Mr. Bruce Larson, not represented by legal counsel, came forward to state that he is the owner of the dwelling and is requesting a variance relief to construct an enclosure over an existing deck which would result in a three-seasoned room. He testified that he needs more room for the family and wants to close the deck in the rear of the dwelling and make it a three-season room with a rear yard setback of 16.41 feet, where by 20 feet is required. He stated further that the new room would have an electric heater because during the winter months it was not his intention to use the room.

This portion of the meeting was opened to questions of the Board. Dr. Abdi questioned the amount of windows that would be needed to pass for fire safety code. She wanted to know if that was safe and sufficient with the fire department. The windows on the back porch were sufficient to pass the fire code. James D'Maria said, quantity of windows only applies to bedrooms and there is no negative impact for fire safety. Mr. Barry asked if the owner intended to heat the room. Mr. Larson stated that the room was intended only for spring-like weather not cold weather. No other questions of the Board, this portion of the meeting was closed and then opened to the public. No one from the public came forward with questions, this portion of the meeting was closed to the public.

Councilman Sgobba motioned, seconded by Mr. L. Damiano to approve the application as presented.

Poll of the Board: Ayes: Greco, Corage, Barry, L. Damiano, Mayor Damiano, Councilman Sgobba, D. Damiano, Dr. Abdi,
and Chairman Kilpatrick
Nays: None

The Chairman declared this application **APPROVED**.

At this time, Mayor Damiano and Councilman Sgobba recuse themselves from the remainder of the meeting applications due to the nature of the applications.

2. **MARK and NICOLE SCUDILLO** - 16 Ridge Avenue. D2 Variance. Block 115, Lot 14. Variance relief for expansion of a pre-existing non-conforming use combining basement and first floor of a two-family house.

The Applicants, Mark and Nicole Scudillo, not represented by council, came forward to testify that they are requesting variance relief to permit an expansion of a pre-existing non-conforming use. Mr. Scudillo stated that he acquired the property in 1996 and it was deemed a pre-existing 2-family dwelling with a third basement apartment. He stated that the basement had a full bath, a kitchen, a refrigerator, a stove, and an office area. Mr. Scudillo confirmed that he has removed the kitchen, the refrigerator, the stove, and that he is looking to incorporate the first floor level with the basement and thus maintaining only a two-family residence. He indicated that there were two electric meters, one for each unit. He stated that the basement would not become a separate dwelling unit.

This portion of the meeting was opened to questions of the Board. The Board asked if there will be two separate entrances. Mr. Scudillo stated yes, and that the dwelling will remain a 2-family home. Another question asked of the Board was if they needed to seal the entrance to the basement and would this be a fire hazard? This portion of the meeting was closed to the Board and opened to the public. No one from the public coming forward with questions, this portion of the meeting was closed to the public.

Mr. Greco, motioned, seconded by Mr. L. Damiano to approve the application as presented for variance relief and for an expansion of a pre-existing nonconforming use. The applicant will also stipulate that the basement would not become a separate dwelling unit and they would remove the door to the basement to prevent the basement unit from being a separate dwelling. The applicant also agreed to record a deed restriction that the property could only be marketed and sold in the future as a two-family dwelling and not a three-family dwelling.

Poll of the Board: Ayes: Greco, Corage, Barry, L. Damiano, D. Damiano, Dr. Abdi, and Chairman Kilpatrick
Nays: None

The Chairman declared this application **APPROVED**.

Because of a conflict with the next application, Luke Damiano recused himself at this time.

3. **NEW CINGULAR WIRELESS PCS, LLC (AT&T)**- 24 Sigtim Drive. Block 232.02 Lot 25. Application to install an offsite generator on a residential property. Use variance, "C" variance and preliminary and final site plan approval.

Christopher J. Quinn, Esq., Attorney for the applicant came forward to state that the applicant is requesting to install an off-site generator on a residential property located in Little Falls.

Testifying for the applicant was Colleen Connolly, Engineer for the applicant. She testified that she has 25 years' experience in telecommunications as a Civil Engineer. She stated that the applicant placed antennas on an existing transmission tower located in neighboring Cedar Grove, but PSE&G does not allow emergency generators to be located under the transmission tower lines so the supporting generator must be located offsite. Therefore, the applicant is requesting to locate the emergency generator on the site of a single-family residential dwelling at 24 Sigtim Drive, Little Falls. She further stated that this gas generator will be supplied with natural gas from the PSE&G service line. She stated that underground utilities would connect the emergency generator to the adjoining facility located in Cedar Grove. Ms. Connolly also stated that this is a gas generator, not a diesel fuel generator, so there will be no diesel fuel stored on the property. She also stated that the generator would only operate in an emergency situation and that the generator will be tested once per month, remotely, to make sure it is running properly between the hours of 9:00 am and 5:00 pm, Monday through Friday. She also stated that the generator will be located in an enclosed 6 ft. high fence (4 ft. is the maximum height requirement) within an area of 10 ft. by 13.5 ft. and shielded from public view with a solid fence to absorb the sound from the emergency generator. She also stated that the applicant chose the highest level of noise

protection offered by the manufacturer for the sound level to the neighbors, and that the applicant would be reading the sound levels during their regular testing.

Mr. Corage addressed the Board questioning the materials for the exterior of the enclosure and if there is any fire risk from the generator? Ms. Connolly answered that it will be of solid composite so you can't see through it and it is the same as a home generator as far as risk, which will be monitored frequently, and the generator itself is in a full enclosure.

The Board Attorney, Mr. Briigliodoro questioned if this is a gas generator and if the fence surrounding it will be locked? Yes, Ms. Connolly replied, it is a gas generator and assured that gas is clean burning, smokeless, and odorless, and that the fence will be locked at all times.

Mr. Paul Ricci, Planner for the applicant, came forward next to state that he has received our reports of the Board Engineer and Planner and states that the applicant is requesting a "D-1" variance relief with regard to the installation of an emergency gas generator on a residential lot as well as having two (2) principal uses on a residential lot. He stated that they are also requesting a front yard setback variance for 7.4 ft. to the fence enclosure and 10 ft. to the generator (30 ft. is required). He also said that they are requesting a height variance for the fence of 6 ft. (4 ft. is required). He stated that the generator and enclosure is approximately 135 sq. ft., and that the lot it will be located on is approximately 24,000 sq. ft. He stated that he finds no negative impact with the request of the applicant. There will be no noise and/or visual appearance to the public as the trees will be retained and the enclosed generator will be shielded. The 6ft. high fence will be a positive benefit to the public instead of a 4ft. high fence. Overall, he said, AT&T has met their burden of proof.

This portion of the meeting was opened to the Board members for questions of Mr. Ricci. No one coming forward, this portion of the meeting was opened to the public for questions of Mr. Ricci. No one coming forward, this portion of the meeting was closed to the public.

Mr. Greco, seconded by Mr. Barry to approve the application with variance relief for use, front yard setback, height and type of fence, and preliminary and final site plan approval, "D-1" variance relief to permit an emergency generator on an adjoining lot in a different municipality, as well as having two principal uses on one lot in a residential zone, "C" variance relief with regard to front yard set back of 7.4 ft. to the fence and 10ft. to the generator, variance for an opaque fence and height of 6ft., and the applicant is to add landscaping around the structure.

Poll of the Board: Ayes: Greco, Corage, Barry, D. Damiano, Dr. Abdi and Chairman Kilpatrick
Nays: None

The Chairman declared this application **APPROVED**.

4. **TAL HOME, INC.** - 19 Overlook Road, Little Falls, NJ. Lot 239, Block 1.01. Minor subdivision application with variance relief in order to create a new lot for the construction of a single-family house.

This application was not heard tonight and was carried to the May 5, 2022 regular meeting of the Board.

Old Business: None

New Business: None

Approval of the Bills: presented to the Township.

Adjournment: 8:35 P.M.