

**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
June 2, 2022**

Members Present:	W. Kilpatrick (Chairman) R. Greco (Vice Chairman) C. Gaita R. Corage K. Barry L. Damiano M. Seber D. Cataldo (1 st Alt.) Dr. E. Abdi (7:20)	Also Present:	Mayor James Damiano Anthony Sgobba (Councilman) Richard Briigliodoro, Esq. Michael Cristaldi (Engineer) San Chavan (Planner) (7:20) Valerie Laky (Board Secretary)
Members Absent:	D. Damiano (2 nd Alt.) M. Pocius (3 rd Alt.)		

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: No residents came forward at the council meeting with any concerns for the Planning Board.

Approval of Minutes: May 5, 2022

Mr. Greco motioned seconded by Ms. Cataldo to approve the minutes of May 5, 2022 as presented:
Poll of the Board: Ayes: Greco, Barry, L. Damiano, Mayor Damiano, Councilman Sgobba, Seber, Cataldo, and Chairman Kilpatrick
Nays: None

The Chairman declared the minutes for May 5, 2022 Approved.

RESOLUTIONS: none

APPLICATIONS:

1. **Timothy DeAnda** – 24 Veranda Avenue. Block 20 Lot 19. Proposed swimming pool with side yard variances.

Timothy DeAnda, the applicant, came forward to testify that he is requesting a “c” or bulk variance relief in order to permit the installation of an inground swimming pool at his residence at 24 Veranda Avenue, Little Falls. He stated that his property is narrow and rectangular in shape and that does not extend to the length of the rear property line. He testified that the proposed pool is 11 ft. wide and 24 ft. deep and will be positioned in the narrower portion of the site's rear yard, thus requiring a “c” variance relief for an encroachment into the side yard setback on both sides. He stated that the minimum set back requirement of 10 feet is required on each side, and he is proposing 7 ft. on each side. The Board also noted that one end of the pool will be setback approximately 14 ft. from the rear lot line which conforms to the ordinance requirements. The applicant also stated that he will be enclosing the pool with a 6 ft. high fence.

At this time, this portion of the meeting was opened to the public for questions. No one coming forward, the meeting was closed to the public.

Mr. Greco motioned, seconded by Mr. Gaita to approve this application for an inground pool with two side yard setbacks of 7ft. on each side, and that the applicant has satisfied the positive and negative criteria's for permitting an accessory structure to a single-family dwelling as stated, and that the inground pool will not create any substantial detriment to the public due to the nature of the variance relief sought by the applicant.

Poll of the Board: Ayes: Greco, Gaita, Corage, Barry, L. Damiano, Mayor Damiano, Councilman Sgobba, Seber, and Chairman Kilpatrick.

Nays: None

The Chairman declared this application APPROVED.

2. **Mattress Plus Little Falls, LLC** - 1585 Route 46 East. Block 200 Lot 1.03. B-2 Zone. Sign Variances for new signage/Preliminary and Final Site Plan approval.

Gary H. Giannantonio, Esq., attorney for the applicant came forward to state that they are requesting a “C” variance or bulk variance relief for a freestanding sign and a wall mounted sign.

Mubashar Ahmad, representative of Mattress Plus Little Falls, LLC, came forward to state that they have signed a lease with the landlord effective April 1, 2022 and that they intend to operate a retail mattress store of name brand mattresses and related products (box springs and headboards). He also stated that the hours of operation will be from 10:00 am to 9:00 pm Monday through Saturday, and 10:00 am to 7:00 pm on Sunday. Mr. Ahmad also stated that he also operates two other stores, one located in East Hanover, NJ and one in Connecticut. He stated that the freestanding pylon sign will remain the same except for the change of the new name. He is requesting a larger sign on the building than the previous sign to accommodate the need for visibility of automobiles traveling on Route 46. He also said that the larger sign will be for safety reasons as to avoid last minute turns into the parking lot. He said that the building is currently blocked by an existing dealership's sign and various trees which are creating low visibility and exposure.

Mr. Basel Ghani, representative of Excellent Printing & Signs testified on behalf of the applicant confirming that the freestanding pylon sign will remain the same size, but the name will be replaced with the new name of the business. He stated that the applicant is also proposing a wall mounted sign and requesting a variance relief for that sign for a height of 5 ft. (where 2ft. 6 inches is permitted), and for sign letter height of 5 ft. (where 2 ft. is permitted). He also stated that the lighting will be the same as the previous owner's with direct wiring on a timer with one switch, which will be on for a total of 13 hours.

The Board Members questioned why the large lettering is needed and if the pylon sign can possibly be moved closer to the street? It was stated that the large lettering was only for safety reasons and that moving the sign will require too much moving and expense.

This portion of the meeting was opened to the public. No one coming forward, this portion of the meeting was closed to the public.

Councilman Sgobba motioned, seconded by Mr. Barry to approve this application as presented for a proposed freestanding sign and wall mounted sign and that the applicant has satisfied both the positive and negative criteria of the Board and that granting the "c" or bulk variance relief will not have any adverse impact to the adjoining properties.

Poll of the Board: Ayes: Gaita, Barry, L. Damiano, Mayor Damiano, Councilman Sgobba, and Chairman Kilpatrick.

Nays: Greco, Corage, and Seber

The Chairman declared this application APPROVED.

At this time, Mayor Damiano and Councilman Sgobba recuse themselves from the meeting.

3. **AHMAD MIRGHAHARI and ZIBA VAKILI** - 30-38 Newark Pompton Turnpike, Block 58 Lots 4-11, B-1 Zone. Preliminary and Final Site Plan Approval. (Use variance and ratification of all previously granted variances).

John Veteri Jr., Esq., attorney for the applicant came forward to state that the applicant is returning to the Board after being granted a preliminary and final site plan approval in December, 2018. He further stated that the applicant came before the Board in 2021 seeking to amend that prior approval in order to eliminate the office space on the second floor and to replace it with four (4) residential apartments. He stated that the footprint of the building remained identical to the original 2018 application and at the conclusion of that hearing, a statutory denial of the application was reached.

Mr. Veteri stated that this is now a new application which eliminates the need for a parking variance and provides two (2) more parking spaces than required under the Ordinance. He further stated that the applicant now seeks a use variance relief to permit the construction of four (4) two-bedroom apartments on the second floor with 6 commercial tenant spaces on the first floor. The applicant is asking that the Board ratify all prior variances set forth in the 2019 resolution.

Ai Qureshi, Architect for the applicant, testified that the building was formerly L-shaped and now the building is rectangular. He also testified that all six stores have a different configuration from the prior application. He stated that the applicants now propose a 64 square foot room identified as an Amazon room to accept and hold packages. He also confirmed that the apartments on the second floor have changed and are now 4 two-bedroom apartments. The applicant is also proposing space for bike storage. He further testified that they are enhancing the exterior appearance of the building, with gooseneck lighting on each side of the entrance to each tenant space. He said that the building is approximately 30 feet in height, with the air conditioning units on the roof.

Board Member Abdi ask the Architect if the property on the right side of the building, which was formerly Subway, going to be demolished. He answered yes, all the buildings will be demolished. Board Member Barry asked if the units on the 2nd floor were operable with screens. He answered yes, they are.

David Fantina, Engineer for the applicant, came forward to state that the applicants intend to merge all lots, and construct a rectangular building. There will be parking in front of the building and tenants will have access from Mueller Place. He stated that the applicants have added 36 parking spaces (whereby 34 parking spaces are required). Mr. Fantina reviewed the Board Engineer's report and have agreed to repair or replace, as necessary, any sections of the sewer line on the applicant's property. He further stated that the applicants are proposing landscaping as to shield glare from the headlights.

Matthew Seckler, Planner for the applicant, came forward to testify that the applicants are proposing a residential use on the second floor of a mixed use building in the B-1 zone. He also represented that a number of properties along Newark Pompton Turnpike are smaller buildings with the retail component on the ground floor and residential on the second floor. He further concluded that the site can accommodate a mixed use building. He said approval of this application would constitute good planning. He also stated that the height of the building is in conformance with the requirements of the ordinance and that in his opinion, the development of this property will promote public health safety and general welfare, and create free flow of traffic and improvements to the site with increased on-site parking that have a desirable visual improvement to the site. He further said that there is no substantial negative impact with regard to noise or traffic with the development of this application. Overall, this application will promote good growth of retail in the area, and meets general health and welfare of the community.

Chairman Kilpatrick asked if they have a plan for snow removal from the site. Any large amounts will have to be hauled away from the site. Board Member Corage asked about the option for Belgium block. They said if it is not prohibited, they will certainly use it.

At this time, the meeting was opened to the public for questions of the experts. No one coming forward with questions, this portion of the meeting was closed to the public.

Board Attorney Brigladoro stated the facts of this application to the Board Members. He stated that this new application before the Board tonight is not similar to the first two cases, and that there is a substantial change in the application with numerous differences and, therefore, this case stands on a new basis and the applicants are not barred by the doctrine of res judicata.

At this time, the Chairman asked for a motion and a vote of the Board Members showing that Res Judicata is not a factor to hearing this application before us tonight.

Mr. Greco motioned, seconded by Mr. Gaita to agree that this new application is not barred by Res Judicata.

Poll of the Board: Ayes: Greco, Gaita, Corage, Barry, L. Damiano, Seber, and Chairman Kilpatrick
Nays: None

The Chairman declared the vote Agreed upon by the Board Members present.

Mr. Greco motioned, seconded by Mr. Barry to approve the application as presented with a D-1 variance for a mixed-use development, with a minimum 5.1 ft. rear yard setback, 2 parking variances (front yard parking and stall size of 9x18), applicant to agree with Board Engineer's report, all off-street parking spaces in the front yard with 2.6 ft. setback.

Poll of the Board: Ayes: Greco, Gaita, Corage, Barry, L. Damiano, Seber and Chairman Kilpatrick
Nays: None

The Chairman declared this application APPROVED.

Old Business: None

New Business: None

Approval of the Bills: presented to the Township.

Adjournment: 9:05 P.M.