

**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
January 5, 2023**

Members Present:	W. Kilpatrick (Chairman) K. Barry (V. Chairman) C. Gaita R. Corage L. Damiano D. Cataldo M. Seber D. Damiano (1 st Alt.) Dr. Abdi (3 rd Alt.) Ahmad Awawdeh (4 th Alt.)	Also Present:	Mayor James Damiano Anthony Sgobba (Councilman) Richard Briigliadoro, Esq. Michael Christaldi (Engineer) Valerie Laky (Secretary)
Members Absent:	M. Pocius (2 nd Alt.)		

The “virtual” meeting of the Planning Board meeting was called to order at 7:00 p.m. by Chairman Kilpatrick 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: Mr. Sgobba stated that no one came forward at the council meeting with any concerns or issues for the Planning Board at this time.

Approval of Minutes: December 1, 2022

Mr. L. Damiano, motioned seconded by Mr. Barry to approve the minutes of December 1, 2022 as presented:

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

The Chairman declared the minutes for December 1, 2022 Approved.

RESOLUTIONS:

1. **Steven and Susan Hunt** – 125 Stevens Avenue, Little Falls. Lot 18, Block 99. Porch addition. Variance required. R-1B Zone.

Mr. Barry motioned, seconded by Mr. L. Damiano to approve the Resolution as presented.
Poll of the Board: Ayes: Barry, Corage, L. Damiano, Mayor Damiano, Councilman Sgobba,
Seber, D. Damiano, Dr. Abdi, and Chairman Kilpatrick
Nays: None
The Chairman declared the Resolution APPROVED.

APPLICATIONS:

1. **Daniel Fatzler** - 55 Jacobus Avenue, Block 177, Lot 18, Little Falls. Proposing an addition to their existing dwelling creating two (2) variances; a rear yard setback and a variance for distance from the existing swimming pool. There is one (1) pre-existing non-conformance for lot area.

The applicant was not represented by council. Mr. & Mrs. Fatzler came forward and was sworn in to testify that they are proposing an addition to their downstairs rear bedroom by pushing it out to the rear of the dwelling to accommodate a Master Bedroom and a Master Bathroom. Because of her husband's health issues, Ms. Fatzler stated that they are "planning ahead" by moving the bedroom downstairs. They stated that there is a pool in the backyard, and by pushing out the bottom floor, this will make the distance from the pool to the house 13.71 ft. (35ft. is required). They stated that they need two (2) variances in order to create this addition: (1) rear yard setback – (35ft. required) 13.71ft. proposed; and (2) distance from house to pool – (15ft. required) 11.15ft. proposed. They also stated that there is a pre-existing non-conformity lot area of 14,913.6 ft. (15,000 required) whereby the applicants will need a "c" variance relief.

One Board Member asked if all notifications were sent out with regard to their application? Mr. Brigiladoro said yes, they did provide the required notice and newspaper notice in a timely fashion to proceed tonight. One Member asked if the pool is surrounded by a fence? The rear yard is fenced in around the pool, which is existing (Mr. DiMaria stated that having the whole yard fenced in at 4ft. high is sufficient enough).

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

Mr. Barry motioned, seconded by Mr. Corage to approve the application as presented with two (2) variances, rear yard setback 13.71 ft. and distance to pool at 11.15ft., and with the pre-existing lot area variance of 14,913.6 ft. and "c" variance relief.

Poll of the Board: Ayes: Barry, Gaita, Corage, L. Damiano, Cataldo, Mayor Damiano, Councilman Sgobba, Seber, and Chairman Kilpatrick
Nays: None

The Chairman declared the application APPROVED.

{At this time, Mayor Damiano and Councilman Sgobba are recused from the meeting}

2. **S&S at Little Falls, LLC**- 201 Newark Pompton Turnpike, Block 34, Lot 16, Block 33, Lot 1, and Block 34, Lot 16.01, Little Falls. Preliminary and Final Site Plan approval including, but not limited to, use, height, and bulk variance relief, in order to permit the construction of a multi-family residential development with 26 dwelling units.

The applicant was represented by Thomas P. Scrivo, Esq. and Lawrence S. Cutalo, Esq. A virtual public hearing was held on January 5 2023 and subsequently will be held on February 2 2023. The application before the Board is a request for use variance, height variance, as well as "c" variances with preliminary and final site plan approval.

Thomas P. Scrivo, Esq. represented that the applicant is wishing to seek approval in order to construct a multi-family residential development with a mix of one, two, and three bedroom units. He indicated that the Township's affordable housing requirements would also be addressed with the court appointed Special Master with regard to this project. He also stated that the applicant is also seeking inclusive of D-1 use variance, D-6 building height, C variance reliefs and preliminary and final site plan approval.

Patrick D. McClellan, Engineer for the applicant came forward to state that they are proposing 3 levels of residential housing over a parking area. They are proposing seven (7) one bedroom units, seventeen (17) two-bedroom units and two (2) three bedroom units. He stated that there will be two curb cuts on Newark Pompton Turnpike that will provide ingress and egress to the site. He further stated that parking will be provided underneath the building, and is proposing to construct forty-six (46) parking spaces with four (4) electric vehicle parking spaces for a total of fifty (50) parking spaces (they are required to have fifty-two (52) spaces under the Ordinance [51 spaces required pursuant to RSIS standards, therefore they are deficient one (1) parking space). He then reviewed the variances needed for this project: (1) minimum side yard setback -12 ft. required – 10.8 ft. existing ("c" variance), 0 ft. proposed; (2) minimum rear yard setback - 30 ft. required – 31.9 ft. existing and 0 ft. proposed ("c" variance); (3) building height – 2.5 stories/35 ft. permitted – 4 stories at 44.2 ft. proposed ("d" variance); (4) number of onsite parking spaces – 47 spaces required – 46 spaces proposed ("c" variance); (5) parking stall size – 8 ft x 18 ft. proposed - variance relief required; (6) parking setback at property line – 5 ft. required – 0 ft. proposed ("c" variance).

Mr. McClellan stated that he reviewed Mr. Christaldi's (Board Engineer) letter and will comply with all comments stated in the report. He also said that the applicant has no objection to complying with the requirements of the Little Falls Fire Official's review report issued. Mr. McClellan then addressed the stormwater management. He stated that it would help bring some relief to the homeowners on Van Pelt Place. He stated that the parking under the building would improve the quality of the runoff. The water will be captured from the rooftop and discharged to the Route 23 stormwater system, thus diverting water away from Van Pelt Place residents.

This portion of the meeting was opened to the Board Members for questions of Mr. McClellan. He was asked to address where the dumpsters will be? They will be handled internally under the building and will be put into smaller trucks with more frequent stops. He was asked about the 100% impervious coverage? What will it be when completed? He stated that it will be 90% impervious with landscaping proposed. Can our infrastructure take the water flow because Route 23 floods? And because it was an old gas station prior, are there any pollutants? It's a NJDOT system and they will be out there to review the system and to make any corrections needed. There is an environmental component to this application. He was asked how many stories to the proposed building? He said there will be at-grade parking with 3 residential floors. No other questions, this portion of the meeting was closed to the Board for questions.

Stephen Corso, Architect for the applicant, came forward to state that the applicant is proposing lower level parking with utilities and an elevator. The ground floor would provide the front entrance with an area for packages to be delivered and stored. The second and third floors will have nine apartments on each floor. There will be 7 two-bedroom units and 2 one-bedroom units. He described the apartments as being luxury apartments. He said the two-bedroom units will have two baths, hardwood floors, tile bathroom and granite countertops with an open floor plan, with the living room and dining

room open to the kitchen. He described the front facade of the building having cantilevered sections of brick, with white concrete trim, aluminum windows, masonry cornices and masonry spandrels.

This portion of the meeting was opened to the Board members for questions of Stephen Corso. The concern of the Board members was the height of the building for this area. They stated that it's too close to the residents. They asked if the amount of units proposed will affect the school systems. The Chairman indicated that he was concerned about the density of the project at 26 units. He stated his preference that the applicant reduced the total number of units from 26 units to 20 units with a breakdown of six (6) one-bedroom units, six (6) one-bedroom units with a den, six (6) two-bedroom units, and two (2) three-bedroom units.

At this time the Board provided the applicant and his professionals with a short recess to discuss the possible reduction in the number of units, etc. Upon returning from recess, the applicant indicated that they would agree to a reduction in the overall number of units from 26 units to 20 units.

Mr. Corso then continued his testimony and informed the Board as how the applicant will achieve the reduction in the number of units. He stated that they will remove 4 units from the 4th floor, 1 unit from the second floor, and 1 unit from the third floor. He further stated, that they will set the roof back, and he prepared a hand drawing of the idea and marked it as Exhibit A-1. He said that they are stepping back the front of the 4th floor by 25 feet and stepping back the rear of the 4th floor by 20 feet. They will provide plantings on the roof to shield the 4th floor from public view. He further stated that they will remove two parking spaces and replace it by a trash and recycling area. This will comply with RSIS requirements and they will no longer need a variance for parking spaces. Tandem parking spaces will be leased to tenants and a solid fence along the property line will block headlights that face the adjoining property.

Joseph Staigar, Traffic Engineer for the applicant, came forward to state that he prepared the traffic study for the site dated November 18, 2022. He based his study on 26 dwelling units and now they have reduced the number of units to 20, therefore, reducing the number of trips at peak hours of the day causing a lesser impact to the area. He factored in the number of buses in close proximity to this site along with the train station $\frac{3}{4}$ of a mile away. He also explained that a key fob will be used to gain access to the parking area with a gate and intercom system (guests will have a temporary code to enter). He said there is a distance of 37 feet from the gate to Route 23 and has confidence there will be no backing up of vehicles trying gain access the site. He concluded that the plan provides for good circulation (22 ft. drive aisle) that will accommodate the multi-family dwelling on the site. In his opinion, (they will apply for it as a condition of approval) NJDOT will permit left and right turns out of the site.

Jeffrey Stiles, Planner for the applicant came forward with regard to land use on the site to state that he has reviewed all reports of this site in the B-1 zone district. He stated the following variances needed for this development with the number of units now reduced to 20 units:

"D" Variances needed for:

- (1) Allow for multi-family building in the B-1 Zone; and
- (2) Building height – 2.5 stories/35 ft. permitted – 4 stories at 44.2 ft. proposed

"C" Variances needed for:

- (1) minimum side yard setback -12 ft. required – 10.8 ft. existing ("c" variance), 0 ft. proposed;
- (2) minimum rear yard setback - 30 ft. required – 31.9 ft. existing and 0 ft. proposed;
- (3) maximum building coverage – 40% is permitted, 22.9% is existing and 84.4% is proposed;
- (4) parking setback at property line – 5 ft. required – 0 ft. proposed.

Mr. Stiles further stated that the applicant is improving the aesthetics of the area with an attractive building and will address affordable housing with the Township and Special Master. He states that this application promotes good land use planning and good fit with the neighborhood and promotes a safe and efficient traffic circulation on the site. This application also provides for an environmental cleanup of the property. He addressed the setback of the fourth floor story that will be shielded with plants which will improve the building façade. In conclusion, there will be no impact to the school district, safe to the environment, provides for a sound application with no additional noise (parking is under the building), and flooding will not be an issue.

There were no further questions of Mr. Stiles from the Board Members. Therefore, the meeting was opened to the public for questions. Several members of the public came forward to state their concerns with parking, flooding, building too close to surrounding homeowners, and several members of the public stated that this building will be a good fit for the neighborhood and will clean up the site from the garbage/trash they constantly observe. No further members of the public coming forward, this portion of the meeting was closed to the public.

Board members stated at this time, because of the changes in the architect of the building, they will need to see revised plans in order to vote. They unanimously agreed that Mr. Briigliodoro, Esq. favorably prepare the Resolution for the next meeting of the Board in February with the changes discussed tonight, and if acceptable, they will vote appropriately. Therefore, the Board authorized Mr. Briigliodoro to draft the Resolution.

This application is being continued at the next meeting whereby the applicant will prepare and resume with new architectural drawings for a reduced number of units (20) for the Board to review and then vote on the prepared Resolution.

Old Business: None

New Business: None

Approval of the Bills: presented to the Township.

Adjournment: 10:30 P.M.