

## **REGULAR MEETING OF MARCH 12, 2007**

Chairman Barry Winston called the meeting to order at 7:45 p.m. in the Council Chambers of the Municipal Building.

Notice of the Open Public Meeting Law was read stating that the newspapers were notified and notice posted on the first floor bulletin board of the Municipal Building.

### **ROLL CALL**

Present: Deputy Mayor Marty Etler, Joseph D'Arco, Peter Kortright III, Michael Cohen, Alan Neggia, Larry Metzger, Phil Cassidy, Harvey Rubinstein, Chairman Barry Winston Absent: Honey Morgenstern, Todd Malkin Also present: Board Engineer John Rottenbucher, Board Attorney Douglas Bern and Board Secretary Cathryn Hochkeppel

### **Approval of escrows**

Upon motion by Joseph D'Arco and a second by Phil Cassidy, the escrow bills were unanimously approved.

### **Approval of Minutes**

Upon motion by Peter Kortright III, and a second by Larry Metzger the minutes of the work session of February 26, 2007, were unanimously approved. AYES: Alan Neggia, Deputy Mayor Marty Etler, Peter Kortright III, Phil Cassidy, Harvey Rubinstein, Larry Metzger, Chairman Barry Winston Abstain: Joseph D'Arco and Michael Cohen. Upon motion by Phil Cassidy and a second by Larry Metzger, the minutes of the regular meeting of February 26, 2007 were unanimously approved. AYES: Alan Neggia, Deputy Mayor Marty Etler, Peter Kortright III, Phil Cassidy, Harvey Rubinstein, Larry Metzger, Chairman Barry Winston Abstain: Joseph D'Arco and Michael Cohen

### **General Public Comment**

Chairman Barry Winston opened the time for public comment and no public wished to be heard.

## **Vision Properties of Fair Lawn; 2-22 Banta Place**

Andrew Karas, Esq., appeared on behalf of the applicant. Chairman Barry Winston asked about the demolition of the building. Andrew Karas explained that the applicant received approval to remove the exterior walls. Board Engineer John Rottenbucher explained that it was permitted as long as the footprint of the building was not to be changed. Ms. Cathryn Hochkeppel added that the Board had granted approval some time ago for this site, however, the applicant has now redesigned the building and this is an amendment to the Board's prior approval. Mr. Karas explained that the applicant wants a two foot height variance. The applicant is adding a mezzanine of 8,050 square feet into the building. The applicant is decreasing the amount of office space and increasing the storage space. Chairman Barry Winston asked about the details of the manufacturing process and Mr. Karas replied that the owner would describe the process.

Mr. Frank Hall, Architect, 27 Chestnut Street, Ridgewood, was sworn in a qualified as an expert witness. He explained the differences between the approval granted and the proposed building. He explained that the portion on the left was historically a warehouse and grew to have various different tenants. The previous application was a consolidation under one user who is the property owner. It is a beauty product warehouse. He explained they were going to work within the confines of the existing building raising the roof over the northern side. However, looking at modern warehousing principles and as the business has grown, they require more cubic volume to make it work efficiently. It is not efficient to work within the existing building. He testified that in the building "manufacturing" is really product packaging. They use talcum powder, ground seaweed and essence oil and mix different products. He testified that the applicant is decreasing the office space which is the highest use and the lower intensity use is increasing. Mr. Hall stated that in the prior application, the amount of parking needed was 68 spaces. This new proposal requires an increase of 2 spaces. Under the ordinances, 1,375 spaces would be required primarily because Parisi's falls under assembly use and requires a space for every 15 square feet. The use does not come close to requiring that many spaces. He stated that 78 spaces are allocated to Parisi's. Mr. Hall further explained the lighting on the site. The north half of the site was redeveloped when Parisi's was built. The applicant will follow a similar pattern to prevent light spill laterally. Mr. Hall presented a rendering which was marked as exhibit A-1. There are two truck bays. The building had a number of truck bays as there was constant in and out. There will not be nearly as many deliveries as it is basically

a storage warehouse. Mr. Hall testified that the proposed use will be a less intense warehouse facility particularly in terms of traffic. Mr. Hall also explained the drainage system and Board Engineer John Rottenbacher stated that he will need the calculations.

Mr. Hall explained that they are investigating energy saving systems including solar panels and radiant slabs. The building has been registered with the New Jersey Energy Star Program.

Deputy Mayor Marty Etler questioned the height of the building. He asked why the variance is being sought. Mr. Hall explained that due to the pallet size, 42 feet is needed. The idea is to keep Mr. DePasquale in Fair Lawn as the business grows and he needs the cubic volume to make it work.

Peter Kortright III, reminded the applicant to obtain DEP approval if required. Mr. Hall replied that they would have a closed loop system if they chose to go geothermal and it would not require DEP approval. Peter Kortright III, asked about the travel aisle width. Board Engineer John Rottenbacher explained that this was investigated with their prior approval and it was satisfactory. Peter Kortright III, said due to the height of the building he would like trees planted along the right of way every 25 feet. A stop sign should be installed by the entrances. Harvey Rubinstein agreed that trees should be planted. He also pointed out that a hedge on Rosalie is interfering with the line of sight. He questioned the height of the building, and Mr. Hall stated that they are limited to six foot increments due to the size of the pallets. Phil Cassidy asked what would happen if they eliminated two feet and Mr. Hall explained that there would be lost space that would not be efficient. Mr. Hall added that the floor is four-foot above grade so the actual building is 38 feet. Phil Cassidy asked if the floor could be lowered, and Mr. Hall stated this would not be practical due to truck deliveries.

Harvey Rubinstein commented that Rosalie Street is in bad shape. He questioned whether there was a need for another fire hydrant and if the applicant would pay his fair share if required. Mr. Harvey Rubinstein added that the dumpsters should be in a fenced area. Harvey Rubinstein asked about the lighting and was told it would be the same as Parisi's. In response to Harvey Rubinstein's question, Mr. Karas explained that the entire lot will be repaved and striped. Any broken sidewalk will be replaced. The applicant agreed to store the garbage containers in an enclosure. Larry Metzger asked if there were any

chemicals that require special storage and Mr. Karas explained that the question would be better answered by the owner.

Joseph D'Arco asked about the lighting, and Mr. Hall explained the lights in detail. Carmen DePasquale was sworn in and stated that he is the owner of the premises in question. He explained his business operations. His operation began in 1984. His business grew and he acquired the property and the neighboring property. He stated that he is in the beauty business and that is how he maintained his property. He explained in detail the manufacturing process which is basically mixing of natural ingredients none having any toxic elements. He testified that he imports many of the natural products from all over the world. The shipping process can take a great deal of time which is why having large storage capacity is so important. He testified that volume is important.

Mr. DePasquale explained that the deliveries at maximum peak would be four to six a week but the majority of the time there would be only two to four deliveries per week. Mr. DePasquale explained that the extra height allows for another layer of 140-160 palettes which results in a great deal of product. Mr. DePasquale testified the hours of operation are approximately 8:00 a.m. to 5:00 or 6:00 p.m. There will be no trucks at night. There are no night time operations. It is strictly during the day.

Chairman Barry Winston opened the matter to the public.

Michael Giovannielli, 2-17 Banta Place stated that sometimes Parisi's overflow and people park in his lot. Mr. DePasquale replied that when the lot is restriped he thinks it will be an improvement. He offered to meet with Mr. Giovannielli and encouraged him to call if he experienced any problems.

As no other public wished to be heard, Chairman Barry Winston closed the time for public comment.

Harvey Rubinstein suggested that a sign advising there is parking in the rear be installed. Mr. DePasquale said he would have no problem as long as it doesn't look unsightly.

Peter Kortright III, moved that the application be approved granting the height variance of 42 feet subject to street trees being planted in the right-of-way every 25 feet along entire piece on Banta and on Rosalie, installation of stop signs at

all entrances, that a complimentary sign indicating parking in rear by Parisi's, all light be shielded, shared parking with adjacent property, increasing impervious coverage by .02% from previous approval, no evening deliveries, drainage calculations to be submitted to Planning Board Engineer, reasonable fair share of cost of fire hydrant if needed, timers on lights per Parisi's operation and any broken sidewalk to be repaired. Michael Cohen seconded the motion which was unanimously passed. AYES: Joseph D'Arco, Alan Neggia, Deputy Mayor Marty Etler, Peter Kortright III, Phil Cassidy, Michael Cohen, Harvey Rubinstein, Larry Metzger, Chairman Barry Winston.

Upon motion Michael Cohen and a second by Peter Kortright III, the meeting was unanimously adjourned at 9:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Secretary to the Planning Board

CH:blcl