**BLOOMINGDALE PLANNING BOARD**

**101 Hamburg Turnpike**

**Bloomingdale, NJ 07403**

Minutes

Regular Meeting 7:30pm

February 28, 2024

**CALL TO ORDER @ 7:30pm**

**SALUTE TO FLAG**

**LEGAL**

This is the Regular Meeting of the Bloomingdale Planning Board of February 28, 2024 adequate advance notice of this meeting has been provided by publication in the Herald and News and also posted on the bulletin board at the Council Chamber entrance in the Municipal Hall of the Borough of Bloomingdale, Passaic County, in compliance with the New Jersey Open Meetings Act, N.J.S.A. 10:4-6 seq.

**FIRE CODE**

Per State Fire Code, I am required to acknowledge that there are two “Emergency Exits” in this Council Chamber. The main entrance through which you entered and a secondary exit to the right of where you are seated. If there is an emergency, walk orderly to the exits, exit through the door, down the stairs and out of the building. If there are any questions, please raise your hand now.

**ROLL CALL MEMBERS/ALTERNATE MEMBERS PRESENT (\*denotes alternate)**

James W Croop Brian Guinan\* Dominic Catalano (arrived 7:40)

Edward Simoni Robert Lippi\* Mayor D’Amato

Bill Steenstra Wayne Hammaker\* Margaret Covert\*

Bill Graf Craig A Ollenschleger

**MEMBERS ABS/EXCUSED**

Margaret Covert – ex

Barry Greenberg – ex

**MEMBERS SEATED**

Bob Lippi for Barry Greenberg

Wayne Hammaker for Dominic Catalano

**MINUTES**

* 1/24/24

A motion is made by Comm. Crum, 2nd by Comm. Hammaker to accept minutes as presented. Voice vote shows all in favor.

**PUBLIC HEARING**

**#721** Andrew Accardi 16 Tice Street Block 5103 Lot 19 (deemed complete 1/24/24)

(seated: Croop, Crum, Steenstra, Graf, Ollenschleger, Simoni, Lippi, Hammaker & D’Amato)

At this time, Rich Brigliadoro, board attorney, states that the notice appears to be in order and the applicant has jurisdiction to proceed.

The applicant, Andrew Accardi, 16 Tice Street, Bloomingdale, NJ is sworn in.

He states that he is here before the board that he has owned the property for about 1 year and is looking to put a small addition upstairs. The footprint of the house will not change, just going up.

Tom Boorady, board engineer, gives a project description as it is stated in his report. He states that the subject property is an undersized lot with lot area of 6,250 SF where 10,000 SF is the minimum and lot frontage of 50 ft where 75 ft is the minimum. There is also one existing bulk variance condition for side yard setback of 5.05 ft where 8ft is required. The applicant seeks to construct a second-floor addition within the limits of the existing footprint. The addition would vertically expand the encroachment into the right-side yard, as such, a variance is required to allow for a proposed right side yard setback of no less than 5.05 ft where 8 ft is required. No other variances appear to be required.

Chairman Simoni states that it would make sense to give all variances for pre-existing and proposed at this time.

Mr. Boorady goes through his technical comments and asks the applicant to make a few adjustments.

1. Downspouts should be shown on plans.
2. Check calculation for building height.
3. Show on chart that lot is non-conforming.
4. Make sure a/c pads are not on right hand side, preferably to the rear of the house.

Comm. Graf asks what the plans are for all the debris in the front and rear of the yard.

Mr. Accardi states that it will be cleaned up once he starts construction. He will be bringing in a dumpster.

Chairman Simoni asks the board if there are any questions for Mr. Accardi.

The board has no questions or comments.

A motion is made by Comm. Steenstra, 2nd by Comm. Hammaker to open meeting to public for questions or comments pertaining to application #721. Voice vote shows all in favor.

Seeing no public,

A motion is made by Comm. Steenstra, 2nd by Comm. Crum to close meeting to public for questions or comments pertaining to application #721. Voice vote shows all in favor.

A motion is made by Comm. Graf, 2nd by Comm. Hammaker to approve application #721 with all requirements on the engineer’s report being adhered to based on the following C-1 criteria: the lot is undersized and narrow therefore a variance is warranted. C-2 positive criteria is the living space will be increased and it will improve the neighborhood esthetically. There is no detriment to the public good. Roll call shows 9-0 in favor.

**#719** Green Paradise Therapy 217A Hamburg Tpk Block 3012 Lot 7

(deemed complete 12/27/23)

At this time, Marsha Moore, states that she is the attorney representing the applicant.

Board attorney, Richard Brigliadoro states for the record that the public notice complies with the MLUL and the applicant has the jurisdiction to proceed at this time.

Ms. Moore gives an overview stating that the address is 217A Hamburg Turnpike, located in the B-1 district and is located on a county road. The applicant is looking to put in Class 5 cannabis in the place of what was once a coffee shop. A 2-family dwelling also exists on the property and that will remain as is.

She states that the county finds the existing parking on the site unacceptable as it encroaches on the county’s right of way. The county is proposing 8 parallel spaces. The applicant is seeking approval for a class 5 dispensary along with preliminary and final site plan approval.

Ms. Moore states that they received the engineer’s report dated 1/15/24.

At this time, Matthew Seckler from Stonefield engineering is accepted as a licensed civil engineer and planner.

Mr. Seckler refers to Exhibit A-1 which shows an aerial of subject property dated 2/27/24. He describes the site as shown on the aerial. There are a total of 20 parking spaces on site, 10 of which encroach on the county right of way. The county expresses concern of parking spots backing out into the right of way.

Mr. Seckler refers to page 2 C-3 showing 8 parking spaces, curbs, sidewalk, and grass area.

The owner intends to have hours of operation from 11 am to 7 pm, Monday through Saturday. There would be 3 employees including a security guard. The first 90 days would be by appointment only. The county parking plan only allows parking on the East side. One ADA parking space will be designed accordingly. The parking space closest to the utility pole will be for employees only. There are two parking spaces for the house that will remain as is.

This is a narrow lot that drops off 13’ in the rear. They are proposing a chain-link fence where it drops off. There is nothing proposed to change the footprint of the building. They are proposing a sign on the building, but nothing on the roof.

As for the stormwater, they will be reducing the size of the impervious coverage by 2,000 sq ft.

There will be a small trash bin located to the east. The trash pick up will be in the morning before operation hours. The deliveries will be made by a sprinter van. The number of parking spaces is governed by ordinance.

They are proposing to add street trees, curbs, and sidewalks. As for the lighting plan, the building will have mounted lights and the utility pole has lighting as well. The applicant is agreeable to any lighting the board sees fit.

The septic is located under a concrete pad and is currently in the county right of way, when it needs to be replaced it will have to be moved to be completely on the property. It is currently in working order and sufficient for use. The storm inlets should not be an issue, there will actually be a reduction in stormwater run-off.

Chairman Simoni states that it appears that customers would have to come on Route 23, do a U-turn and come down to Hamburg turnpike to be on the right side to park. He also asks how parking would be restricted.

There was a discrepancy on how many parking spaces are needed.

Mr. Boorady states that is his understanding that 12 spaces are required. There are 3 different uses: residential, office & cannabis. The requirements are 5 for the cannabis dispensary, 3 for the office, and 4 for the residential. This is summarized in his report, page 3, 3rd paragraph.

Mr. Boorady’s report dated 1/15/24 is marked as exhibit B-1.

Comm. Ollenschleger states that of the 8 parking spaces, 3 would be for employees and one of the other 5 that are left would have to be ADA compliant.

Mr. Seckler states that their will be ADA compliant parking.

Comm. Ollenschleger asks what the plan is for day 91 since the first 90 days will be by appointment only.

Mr. Seckler states that the decision will be made when they see how the first 90 days goes.

Comm. Ollenschleger states that it is unclear whether the office is going to be used for cannabis or not. If it is, will someone else be in the office other than employees?

Mr. Seckler responds that the office will primarily be used by employees.

Comm. Catalano states that he understands the county is steering the parking right of way, was any other parking addressed with the county?

Mr. Seckler said that they looked at an option for employees to park on site, but the county didn’t like it and they rejected it.

Comm. Hammaker states that he assumes the 3 employees would need 3 parking spaces.

He also asks if it is typical for there to be appointments for the cannabis.

Ms. Moore states that it is typical.

Mayor D’Amato asks what the county will do so that no U-turns will be done on Hamburg Tpk.

Mr. Seckler states that they will provide “No U-turn” signs.

Mayor D’Amato states that there should also be a sign at the Stumble Inn to prevent people from making U-turns in their parking lot.

The applicant has no issue with putting up signs for Stumble Inn.

Comm. Graf asks in regard to the applicant designating parking to customers only, who would monitor that? Would the police be expected to monitor?

Mr. Seckler states that if there was a complaint that no spaces were available, maybe public police would be responsible?

Comm. Graf states that the 2 parking spots used by the residents that have been used for a number of years are not totally onsite. In which case when an applicant comes before the board and they are non-conforming, the board brings it into conformance. He is concerned why the applicant is not making an attempt to bring it into conformity.

He also states that the board has heard many applications recently that are putting up walls higher than 25’and he’s not sure that a 14’ retaining wall will be a significant hardship considering the parking issue.

Mr. Seckler states that steep slope variances will be needed. He doesn’t feel there is a “right” fix that will address the county parking demands.

Comm. Croop refers to the parking and states that he is glad to hear that the sidewalk would be an ADA requirement. Is it reasonable to say that if a plan were approved other than a cannabis, would the county have the same parking set up?

Mr. Seckler responds yes that anything other than a luncheonette or deli, which was an existing use, would have the same parking issue.

Ms. Moore adds that in meeting with the county, there big concern was being in the county right of way.

Comm. Simoni responds to Ms. Moore saying that the board is well aware of what the applicant has done and respects how difficult and costly the process has been.

At this time, Mr. Boorady goes through his report.

He states that the Architectural plans submitted do not state that residential parking is not in the scope of the application. He would like clarification that there is an agreement in place with the Stumble Inn. And asks whether there are 2 or 4 parking spaces for residential use.

Mr. Seckler confirms that there are 2.

Mr. Boorady asks if the applicant would be in charge of operating and maintenance of street parking, plowing and sweeping.

Ms. Moore states that the applicant would enter into an agreement with the County.

Mr. Boorady asks who enforces parking area, County, or borough property maintenance officer.

Ms. Moore states this will also be part of the County agreement.

Mr. Boorady asks if the property owner does not shovel sidewalks, who has jurisdiction?

Chairman Simoni states that the Bloomingdale property maintenance officer would probably have jurisdiction for shoveling sidewalks. He also confirms that there will be no rooftop sign.

Mr. Boorady states that the lighting spills quite a bit on the right of way, can it be adjusted.

Mr. Seckler states that once they see how the utility pole lighting is, they will modify it accordingly.

Mr. Boorady asks if maybe there should be timers to control the level of lighting from dusk to dawn and that all security lighting be on engineer plans.

He also states that he is concerned about storm drain stream flow grates with people having to walk on grates. Just concerned about safety.

Mr. Seckler responds that they will look at where the grates fall and maybe shift the striping for

the parking.

Mr. Boorady states that the dumpster area needs to be added to the plan.

Mr. Seckler states that they can add it.

Mr. Boorady doesn’t understand why the County would want to do a traffic study 2 years later.

Mr. Seckler says that the County wants the right to update the traffic study.

Comm. Graf states that if the board saw it fit to grant approval, perhaps the applicant could provide a traffic study in a certain time frame and have it be a condition of approval.

Chairman Simoni states that once this Board gives it decision, it’s done.

At this time, Seargent Sam Ziden is sworn in to speak on his report marked as exhibit B-2.

Sgt. Ziden states that he is the traffic supervisor in Bloomingdale.

Ms. Moore states that she has no objections.

Sqt. Ziden shares the concerns of parking. He hopes there will be a way to see additional parking, maybe on the grass area, he doesn’t feel 8 spots are enough and is concerned that if the parking spots are all taken, people will keep trying by making constant U-turns. He is hoping that maybe parking for the employees can be added. He strongly agrees with the no U-turn signs. If the town were to put an ordinance in place, he doesn’t feel the police could enforce it and the private property owner does not have authority to enforce it because of the right of way issue.

Chairman Simoni states that even if there are numerous no U-turn signs, how effective will they actually be.

Tom Boorady states that maybe there could be timed parking.

Sgt. Ziden replies that time parking is enforceable, and the borough could put an ordinance in place for how much time.

Comm. Guinan asks who would enforce parking beyond the right of way.

Sgt. Ziden states that the county would have to enforce it.

Comm. Guinan asks if there is a requirement of parking direction.

Sgt. Ziden responds that it is with the flow of traffic.

Comm. Guinan asks for placement of ADA spot.

Mr. Boorady states that the code is going to require the ADA space in front of the front door.

Chairman Simoni is concerned about the ADA spot having no clearance and having to step out into traffic.

Mr. Boorady states that there would be 8 feet of space to open car door.

Comm. Ollenschleger states that he can foresee patrons making U-turns when leaving.

Mayor D’Amato states how there can be an ordinance for just this business. You would have to do this for all businesses.

Comm. Graf states that the applicant might want to hire a police officer to maintain traffic.

At this time a motion is made by Comm. Graf, 2nd by Comm. Hammaker to extend the meeting to 10:15 pm. Roll call shows 9-0 in favor.

A motion is made by Comm. Croop, 2nd by Comm. Catalano to open the meeting to the public for questions of the applicant’s engineer. Voic vote shows all in favor.

Mr. Brigliadoro briefs the public on the procedure and that this is only for questions of the expert at this time.

**PUBLIC**

**Anna Jakubowski, 226 Hamburg Turnpike**

Ms. Jakubowski is concerned about the use of marijuana and also where people will park. Parking is already hard.

**Glenys Svec, 285 Macopin Road**, states that there is already lots of traffic in this area on Hamburg Turnpike.

**Kate Smith, 7 Waterfall Village Court**.

Ms. Smith is the resident property manager at Waterfall Village, and she is worried about U-turns in the Waterfall entrance. She asks that this property also be considered for a “No U-turn” sign.

Ms. Moore states that the applicant would honor this request.

**Adriatik Bajrushi, 216 Hamburg Turnpike**

Mr. Bajrushi asks about the septic and who is responsible for it.

Ms. Moore states that the owner is responsible for the septic.

He states that his driveway is further down, if someone should turn around in his driveway, It would be difficult to enforce, by the time an officer was to be called they would be long gone.

Sgt. Ziden replies that he is correct.

Mr. Bajrushi also states that with an 8-foot width parking it might be convenient for patrons to double park, would lease holder be responsible or would owner need to be contacted. Police do not spend a lot of time on this side of town. There would need to be more police presence.

**Monica Jakubowski, 226 Hamburg Turnpike**

Ms. Jakubowski asks when the 90 day appointments end will it be re-addressed. How many appointments will there be.

Ms. Moore states that the operator will testify to that and a time frame will be given.

**Anna Jakubowski, 226 Hamburg Turnpike (2nd time)**

Concerned about the fact that marijuana would be sold and she doesn’t feel the town should give permission for this use.

A motion is made by Comm. Crum, 2nd by Comm. Hammaker to close meeting to public for questions of the applicant’s engineer. Voice vote shows all in favor.

At this time, the board has heard all public questioning of Mr. Seckler.

Mr. Brigliadoro states that this concludes tonight’s hearing and that the next hearing will be held on 3/27/24 at 7:30 pm. The applicant has already noticed so no new notice is required.

Chairman Simoni thanks Ms. Moore and Mr. Seckler.

A motion is made by Comm. Catalano, 2nd by Comm. Crum to extend the meeting to 10:30pm.

Voice vote shows all in favor.

**RESOLUTION**

Block 5105 Lot 14.01

* EXTENSION OF TIME FOR SUBDIVISION/LOT LINE ADJUSTMENT APPROVAL

A motion is made by Comm. Graf, 2nd by Comm. Adopt and memorialize Resolution for block 5105 lot 14.01 for extension of time. Roll call shows 9-0 in favor.

**PENDING APPLICATIONS**

**#702** Tri Boro Dental (Sluka) 40 Main Street Block 5088 Lot 4

**#717** 46 Star Lake Road, LLC 46 Star Lake Road Block 3035 Lot 33

**#722** Samuel F. Johnson 42 Mickens Lane Block 4049 Lot 135

**#723** Ken & Tersea Mackay 135 Demarest Road Block 4049 Lot 81

**BILLS**

*Darmofalski –* *Mtg Attend 1/24/24 $390*

*Brigliadoro- Mtg Attend 1/10/24 $500, Mtg Attend 1/24/24 $500,* ***App #721 Accardi $64, App #722 Johnson $288, App #716 46 Star Lake $272, App#720 Greenberg $112, App #718 Kotefski $880***

A motion is made by Comm. Crum, 2nd by Comm. Croop to approve bills as listed. Roll call shows 11-0 in favor.

**PUBLIC DISCUSSION**

A motion is made by Comm. Crum, 2nd by Comm. Croop, to open meeting to public. Voice vote shows all in favor.

Seeing no one from public,

A motion is made by Comm. Crum, 2nd by Comm. Croop, to close meeting to public. Voice vote shows all in favor.

**ADJOURNMENT**

A motion is made by Comm. Crum, 2nd by Comm. Croop, to adjourn meeting at 10:20 pm.

Voice vote shows all in favor.

Respectfully submitted,

Barbara Adubato, Secretary

Bloomingdale Planning Board