



# DUMONT JOINT LAND USE BOARD

## MEETING MINUTES

**SESSION:** This is a meeting of the Joint Land Use Board of the Borough of Dumont, held virtually on WebEx. Tuesday, September 29, 2020 at 7:30 PM

**SUNSHINE LAW:** This meeting is a regularly scheduled meeting of the Joint Land Use Board of the Borough of Dumont, held virtually on WebEx on Tuesday, September 29, 2020. This date, time and location was established by the resolution of the Board. A copy of the resolution was forwarded to *The Record, the Ridgewood News* and posted in the Borough Hall. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

**ROLL CALL:**

|                                     |           |   |
|-------------------------------------|-----------|---|
| Rafael Riquelme                     | Class I   | P |
| Nico Attanasio                      | Class II  | P |
| Jimmy Chae                          | Class III | P |
| Kenneth Armellino                   | Class IV  | P |
| Barbara Chen                        | Class IV  | P |
| Graeme Dutkowsky                    | Class IV  | P |
| Alfred Moriarty                     | Class IV  | P |
| Elmer Pacia                         | Class IV  | P |
| Gino Zilocchi                       | Class IV  | P |
| Jennifer Winant                     | Alt #1    | P |
| Thomas Kelly                        | Alt #2    | P |
| Jeff Keenan                         | Alt #3    | E |
| Ken Melamed                         | Alt #4    | P |
| <b>Others:</b>                      |           |   |
| Board Attorney, Douglas Bern        |           | P |
| Board Engineer, Maser, Carl O'Brien |           | P |
| Board Clerk, William Paige          |           | P |
| Construction Official, Paul Renaud  |           | A |

**BUSINESS:** Review and approval of August 25, 2020 minutes.

Chairman Dutkowsky calls for a motion to approve the minutes. Motion by Nico Attanasio. 2<sup>nd</sup> by Rafael Riquelme.

**ROLL CALL:**

|                   |           |   |
|-------------------|-----------|---|
| Rafael Riquelme   | Class I   | Y |
| Nico Attanasio    | Class II  | Y |
| Jimmy Chae        | Class III | Y |
| Kenneth Armellino | Class IV  | Y |
| Graeme Dutkowsky  | Class IV  | Y |
| Alfred Moriarty   | Class IV  | Y |



# DUMONT JOINT LAND USE BOARD

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### **FORMAL: Review of Change of Occupant Application**

Germ Squasher LLC d/b/a/ Bergen County Auto Pros and Disinfecting  
Block 909 Lots, 9, 10 & 12  
30 E. Madison Avenue

- Michael Camarinos, attorney for the applicant is sworn in by Mr. Bern. Mr. Bern also swears in Cystal Letsios, the applicant. Mr. Camarinos states that this application is for a change of ownership. There are no changes to the business, other than ownership.
- Mr. Bern goes over the reasons for this application appearing before the board.
- Nico Attanasio asks if there will be any difference in the amount of vehicles in use. Mr. Camarinos does not believe there will be.
- Mr. Bern asks Mr. Camarinos to tell the board about any new signage and landscaping. Mr. Camarinos states there will be a new sign to express the change in ownership, but it will be the same size and type as the current sign. He also states that they will “spruce up” the landscaping a little bit, but will be working with the Building Department to make sure that all codes are followed.
- Tom Kelly asks if the business will still rent U-Haul trucks. Mr. Camarinos states that they still will, but it will not be increased.
- Chairman Dutkowsky asks for a motion to open to the public for comments. Motion by Barbara Chen, 2<sup>nd</sup> by Ken Armellino. All in favor. No comments. Chairman Dutkowsky calls for a motion to close to the public. Motion by Al Moriarty, 2<sup>nd</sup> by Nico Attanasio. All in favor.
- Chairman Dutkowsky calls for a motion to approve the application. Motion by Barbara Chen, 2<sup>nd</sup> by Nico Attanasio.

### **ROLL CALL:**

|                   |           |   |
|-------------------|-----------|---|
| Rafael Riquelme   | Class I   | Y |
| Nico Attanasio    | Class II  | Y |
| Jimmy Chae        | Class III | Y |
| Kenneth Armellino | Class IV  | Y |
| Barbara Chen      | Class IV  | Y |
| Graeme Dutkowsky  | Class IV  | Y |
| Alfred Moriarty   | Class IV  | Y |
| Gino Zilocchi     | Class IV  | Y |

### **FORMAL: Review of “Bulk C” Variance**

George C. Harvilla  
Block 912, Lot 6  
110 Thompson Street

- Barbara Chen, Rafael Riquelme, and Tom Kelly recuse themselves from this case.
- Mr. Bern swears in Mr. George C. Harvilla, who is representing himself. Mr. Harvilla owns 100 Thompson St. Mr. Harvilla is seeking an additional driveway on his property. His property is on the Northwest corner of Thompson St. and Blauvelt Ave. He has 3 cars in his household and needs the additional parking space to accommodate. He would expand his current driveway, but that could compromise an existing town tree. The second driveway would be 18x20 and that it would be a pervious surface to promote drainage.



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- Ken Armellino asks a question about the driveway crossing the property line. Mr. O'Brien says that the apron of the driveway should be concrete. Mr. Harvilla is okay with that. Mr. Harvilla states that there is no sidewalk on either side of his property.
- Mr. Harvilla states that one of the reasons that he didn't want to expand his existing driveway is that he wanted to be as environmentally responsible as possible.
- Chairman Dutkowsky calls for a motion to open to public. Motion by Nico Attanasio, 2<sup>nd</sup> by Ken Armellino. All in favor. No comments. Chairman Dutkowsky calls for a motion to close to public. Motion by Ken Armellino, 2<sup>nd</sup> by Nico Attanasio. All in favor.
- Chairman Dutkowsky asks for a motion to approve this application. Motion by Nico Attanasio, 2<sup>nd</sup> by Al Moriarty. Ken Armellino asks if the approval would be dependent 18x20 and on the materials that are pervious. Mr. Bern says it would be up the engineer.

### ROLL CALL:

|                   |           |   |
|-------------------|-----------|---|
| Nico Attanasio    | Class II  | Y |
| Jimmy Chae        | Class III | Y |
| Kenneth Armellino | Class IV  | Y |
| Graeme Dutkowsky  | Class IV  | Y |
| Alfred Moriarty   | Class IV  | Y |
| Elmer Pacia       | Class IV  | Y |
| Gino Zilocchi     | Class IV  | Y |

### **FORMAL: Review of Change of Use**

150 Washington Avenue  
Block 905, Lot 11  
Halal Gyro King

- Matthew Capizzi, attorney for the applicant, explains the application. He states that it's similar to the case East Madison case, as it's a change of ownership. He said that there would be no changes other than signage and branding.
- Chairman Dutkowsky asks for a motion to open to the public. Motion by Nico Attanasio, 2<sup>nd</sup> by Jimmy Chae. No questions from public. Chairman Dutkowsky asks for a motion to close to public. Motion by Nico Attanasio, 2<sup>nd</sup> by Jennifer Winant.
- Chairman Dutkowsky asks for a motion to approve this application. Motion by Barbara Chen, 2<sup>nd</sup> by Rafael Riquelme.

### ROLL CALL:

|                   |           |   |
|-------------------|-----------|---|
| Rafael Riquelme   | Class I   | Y |
| Nico Attanasio    | Class II  | Y |
| Jimmy Chae        | Class III | Y |
| Kenneth Armellino | Class IV  | Y |
| Barbara Chen      | Class IV  | Y |
| Graeme Dutkowsky  | Class IV  | Y |
| Alfred Moriarty   | Class IV  | Y |
| Elmer Pacia       | Class IV  | Y |
| Gino Zilocchi     | Class IV  | Y |



# DUMONT JOINT LAND USE BOARD

## MEETING MINUTES

### FORMAL: RETURNING APPLICATION

#### Review of Use Variance

Madison Maintenance LLC, Michael Pecoraro  
Block 1207, Lot 1  
111 W. Madison Avenue, Dumont, NJ

- Dean Stamos, attorney for the applicant, Mike Pecoraro (610 Fermery Drive, New Milford, NJ). Mr. Pecoraro is sworn in by Mr. Bern. Mr. Stamos describes the application. He states that is a change of use. The property in question is currently a dentists' office, and Mr. Pecoraro is looking to take over the property for his electric business. He may not need all of the space at the property and may sublet some of it. Mr. Pecoraro discusses the current layout and what he would need for his vehicles and equipment. (Some testimony is inaudible due to echo).
  - Ken Armellino asks if there will be dumpsters for disposal of equipment. Mr. Pecoraro states that most would be disposed of at job sites.
  - Carl O'Brien states this application is different than the other change of use applications heard today since this application have a new garage proposed. Mr. O'Brien asks for the dimensions of the garage. Mr. Pecoraro gives the dimensions (partially inaudible). Mr. O'Brien states that at least one handicapped parking space would be required at the property.
  - Mr. Bern asks Mr. O'Brien if there is any changes to the structure. Mr. O'Brien states that he believes it would be an accessory structure.
  - Chairman Dutkowsky asks about proposed signage on the garage door. Mr. Stamos says the signage will be submitted with permit applications to the building department.
  - Carl O'Brien states that the parking needs to be 10x20 and that they don't currently meet that. Mr. Stamos they are currently 9.6x19, further comments were inaudible.
  - Gino Zilocchi asks about new tenant space there needing parking. Mr. Stamos states the parking currently on site is compliant with the borough code.
- Chairman Dutkowsky asks for a motion to open to the public. Motion by Ken Armellino, 2<sup>nd</sup> by Nico Attanasio. All in favor. No questions. Chairman Dutkowsky asks for a motion to close to the public. Motion by Gino Zilocchi, 2<sup>nd</sup> by Jennifer Winant. All in favor.
- Chairman Dutkowsky asks for a motion to approve the application. Motion by Ken Armellino, 2<sup>nd</sup> by Gino Zilocchi.

### ROLL CALL:

|                   |           |   |
|-------------------|-----------|---|
| Rafael Riquelme   | Class I   | Y |
| Nico Attanasio    | Class II  | Y |
| Jimmy Chae        | Class III | Y |
| Kenneth Armellino | Class IV  | Y |
| Barbara Chen      | Class IV  | Y |
| Graeme Dutkowsky  | Class IV  | Y |
| Alfred Moriarty   | Class IV  | Y |
| Elmer Pacia       | Class IV  | Y |
| Gino Zilocchi     | Class IV  | Y |



# DUMONT JOINT LAND USE BOARD

## MEETING MINUTES

### FORMAL: RETURNING APPLICATION

#### Review of Use Variance, Preliminary & Final Approval of Major Site Plan - Ret

New Cingular Wireless PCS, LLC ("AT&T")

Block 821, Lot 1.02

2 Sunset Street (2 New Milford Avenue)

- Judy Fairweather, attorney for AT&T is representing the case this month. She is the partner of the attorney from last month, who could not attend. Ms. Fairweather reviewed the transcripts of the case and is up to date on where the case left off.
- Ms. Fairweather calls Paul Ricci, planner, to discuss the application. Mr. Ricci discusses how the extra 10 feet that the tower may have would impact the local visuals. Mr. Ricci shows pictures. Ms. Fairweather and Mr. Ricci discuss how many people only have cell phones as their primary phones (over 50%) and how many emergency calls are made from cell phones (70%). Ms. Fairweather states that AT&T will provide extra landscaping around the tower and will make the fence look nicer.
- Ms. Fairweather calls Nicholas Barile, designed engineer. Mr. Barile was sworn in last month. Mr. Barile discusses the landscaping and layout of the area.
- Chairman Dutkowsky asks Mr. Barile how the extension to this tower would be created. Mr. Barile says the tower was built with the possibility of extension and it would just be a matter of putting the new piece on.
- Nico Attanasio and Ken Armellino ask Mr. Barile about a "catastrophic" tower failure and what areas could be impacted.
- Chairman Dutkowsky asks about the AT&T generator cycle would be different than other carriers on the tower. Ms. Fairweather says that would be a "condition of approval" that they have no problem with.
- Nico Attanasio asks about the area of Dumont that does not currently have AT&T coverage not being able to call 911. Ms. Fairweather asks Daniel Penesso, radio frequency engineer, to answer. Mr. Penesso states that some people may not have coverage in their houses, but would outside.
- Elmer Pacia asks if there will be testimony on a structural analysis of the tower. Ms. Fairweather asks Mr. Barile about that. Mr. Barile said the analysis would be submitted with building permit applications.
- Chairman Dutkowsky asks if the tower could be expanded even more beyond this if another carrier came into town at some point in the future. Mr. Barile states the original approval included up to a 20 foot extension, so yes the tower could be expanded more, and it could hold it.
- Chairman Dutkowsky asks for a motion to open to the public. Motion by Nico Attanasio, 2<sup>nd</sup> by Jimmy Chae. All in favor. No comments. The Chairman asks for a motion to close to public. Motion by Jennifer Winant, 2<sup>nd</sup> by Jimmy Chae.
- Ms. Fairweather makes a closing statement stating that AT&T coverage is limited in the area and this tower would improve it.
- Chairman Dutkowsky asks Mr. Bern if there is any way to put a limit on further additions on this tower. Mr. Bern says no limits can put on future applications. But anyone can apply and appear before the board if future additions were proposed.
- Chairman Dutkowsky asks for a motion to approve the application. Motion by Ken Armellino, 2<sup>nd</sup> by Al Moriarty.



# DUMONT JOINT LAND USE BOARD

## MEETING MINUTES

### ROLL CALL:

|                   |           |   |
|-------------------|-----------|---|
| Rafael Riquelme   | Class I   | Y |
| Nico Attanasio    | Class II  | N |
| Jimmy Chae        | Class III | Y |
| Kenneth Armellino | Class IV  | Y |
| Barbara Chen      | Class IV  | Y |
| Graeme Dutkowsky  | Class IV  | Y |
| Alfred Moriarty   | Class IV  | Y |
| Gino Zilocchi     | Class IV  | N |

- Chairman Dutkowsky states that his yes vote includes the condition that the AT&T generator does not run on the same cycle as other generators on site.

### **FORMAL: RETURNING APPLICATION**

#### **Review of Application - Minor Site Variance - Pre-Existing Non-Conforming Condition**

Mary Markosian  
20 Grant Avenue

- Matt Capizzi, attorney for the applicant, summarizes the plans for the application. The changes would include 3 apartments above the retail spaces below. There were concerns about parking.
- Mr. Capizzi calls Lou Luglio, 30 Montgomery St, Jersey City, NJ. Mr. Luglio is a licensed engineer. He has done traffic studies for 30 years. Mr. Luglio is sworn in by Mr. Bern. Mr. Luglio summarizes a traffic report that was submitted for the board to review. That report shows the estimated impact of traffic in the area with the changes to the property. Mr. Luglio states that between the retail and residential need of the property, 11 parking spaces would be required, but only 6 could be provided (including accessible space). He states that due to the existing street parking, they don't anticipate it being an issue.
- Ken Armellino says that Dumont requires 10x20 sized parking spaces, but the spaces provided here are 9x18. Mr. Luglio says 9x18 is industry standard.
- Tom Kelly mentions that overnight street parking is restricted between October and April. Mr. Kelly also states that he doesn't see any garbage receptacle on site in the proposal. He also expresses concerns about drainage.
- Carl O'Brien states that 11 parking spaces are required with this location and the 10x20 size is required via Dumont ordinances.
- Mr. Capizzi asks Michael Hubschman (engineer and planner, previously sworn in) about the parking spaces. Mr. Capizzi also discusses the drainage with Mr. Hubschman, who said a seepage pit could be added.
- Chairman Dutkowsky calls for a motion to open to the public. Motion by Ken Armellino, 2<sup>nd</sup> by Nico Attanasio. All in favor. No comments. Chairman Dutkowsky calls for a motion to close to the public. Motion by Ken Armellino, 2<sup>nd</sup> by Nico Attanasio. All in favor.
- Mr. Bern asks Mr. Capizzi to remove variances from the application, which would allow all board members to vote.
- Elmer Pacia asks if two apartments would be considered instead of three apartments to address parking concerns. Mr. Capizzi says such a change wouldn't make much of a difference.



## DUMONT JOINT LAND USE BOARD MEETING MINUTES

- Mr. Capizzi summarizes the application.
- Chairman Dutkowsky calls for a motion to approve the application. No motion.
- Mr. Capizzi withdraws the application to avoid a denial. He said they may look into making it a two apartment set up (1 bedroom and 2 bedroom) to address parking concerns.
- Gino Zilocchi states that the lack of the required 11 parking spaces is why he would not vote yes. Ken Armellino agrees, and says the variance was asking for too much. Nico Attanasio says the variance for six spaces was too much as well.
- Mr. Capizzi asks to be allowed to discuss with his client and bring the application back or withdraw the application.
- Councilman Chae asks Mr. Hubschman if parking underneath the building would be a possibility. Mr. Capizzi says they will take it under consideration.
- Mr. Bern agrees that the application can be carried to the next meeting.

### **FORMAL: Consistency Review of Sign Ordinance – Chapter 350 “Signs”**

Supplemented and Amended Article 12, Zoning, Amend Section 12-23.15, Signage

- Members of the board discuss the new ordinance.

Chairman Dutkowsky calls for a motion to adjourn. Motion by Nico Attanasio, 2<sup>nd</sup> by Barbara Chen. All in favor.

Meeting ends at 11:34pm.