

(7 Ayes – 0 Nays – Motion Carried)

APPLICATION FOR HEARING:

1. Application No. NSP02072022 / Valley Physician Services, Inc. / 81 Paterson Hamburg Turnpike & 2 Newark Pompton Turnpike / Block 13.01 Lots 1.01 and 18 / Community Redevelopment District

The notices were in order giving the board jurisdiction to hear this application. Board Member Michael Reilly owns property within 200' of this application and is stepping down from the dais.

Rick Malanga is in attendance at 7:59 p.m.

The attorney for the applicant Ms. Katie Razin came forward. Ms. Razin stated Valley Physicians is here for a preliminary and final site plan approval as well as bulk variance relief for change of use to medical office at the property known as Block 13.01 Lots 1.01 and 18, the address is 81 Hamburg Turnpike and 2 Newark Pompton Turnpike. The square footage is approximately 12,500 square feet and it is an existing multi-tentative building. The property is presently owned by 81 Paterson Hamburg LLC, and lots 1.01 and 18 operate somewhat cohesively for purposes of access and parking which we will provide testimony on. The property as you mentioned is located in the CRD Zone which permits a variety of commercial uses including professional offices and the medical office that is proposed is State of Art efficient and designed as many of the other VMG offices in the area which we can provide testimony on. There are several pre-existing non-conforming conditions on the property in related to the existing building on the property. The applicant is only proposing two very small changes, two exterior doors. Originally when we came here for completeness we had proposed one exterior door, since then we have proposed one additional exterior door and two concrete pads. We have submitted revised plans in the interim, and those changes result in miniscule differences to the impervious coverage, lot 1.01. We are seeking variance relief from existing impervious coverage of 71.08% to 71.14% and on lot 18 the change goes from 71.42% to 71.44% in impervious coverage, so we are talking about very miniscule changes and that is the result of the concrete pads that we are proposing and in addition we are requesting relief from the parking space requirement, which we will provide testimony on as well. Ms. Razin stated she had two witnesses this evening.

The first witness Mr. George Mejias came forward and was sworn in by the board attorney. Mr. Mejias listed his background and was accepted as an expert witness. Mr. Mejias stated his expertise is in health care. Mr. Mejias stated he is the director of real estate and property management and responsible for all 42 properties throughout New Jersey. He manages all the operations in all the facilities, he also does the capital project planning, and development, and responsible for maintenance of the buildings and the planning and development of expansion sites and other sites as well, all medical offices. Mr. Mejias testified to all the new sites that he is charge of in the area.

Mr. Mejias stated this will be a doctor's office similar to the one across the street at the moment, only a lot more efficient, we can't handle the one there now because there are too many doctors and it is not efficient and not safe, and we

pride ourselves on providing top quality patient care. This new site will allow us to right size the practice. We will have seventeen exam rooms which will allow us to have easy access for our patients and it will be state of the art. It is not an urgent care facility, so it's not like a see the doctor, we don't provide that type of service. Though we are a walk in clinic those patients have a physician there. So if you have an appointment with one of your physicians and you don't feel well that day you could walk in if your physician is on site, or another physician will take care of you, but it's not a site where you could call up and say can I come on down. You have to make an appointment for that. The intended hours of operation will be Monday through Friday 8:00 am to 8:pm., Saturday is 8:00 am to 4:00 pm and Sunday is 8:00 am to 2pm.

The number of staff that would be at any one given time during a shift, there will be six physicians on site, patients come at a specific time and they leave, it is 2.5 patients per physician so it's about fifteen in total together. There is about fifteen staff in total with the physicians, so it's about thirty people at any one given time on site. Nine staff in addition to the doctors. Mr. Mejias reviewed the appointments and how the office visits are carried out. The employees will be asked to park in the lot on 2 Newark Pompton and whatever overflow will park in the back of the lot at 81 Hamburg, so the patients would have easier access to the front door.

Mr. Mejias stated garbage pickup is co-mingles garbage and we use one of three large firms, one of them being Waste Management. They will pick up the garbage located on the site and the garbage is sorted out at their facility. There is also a red bag facility for medical waste, it's a small volume because we are not doing procedures at this site, that red bag of medical waste is held upon site by code and is in a locked facility, special company comes and picks that up, usually once a week or on demand as needed. Mr. Mejias stated most of the deliveries come from their essential warehouse on a just in time basis, it will be a small panel truck that delivers small sundries and things that we made need to provide patient care. Most of the supplies will be on a par level that will last ten days at least. There are FEDEX deliveries as well.

Mr. Mejias described the two additional doors that they will be adding. Mr. Mejias stated that one of the exterior doors they will be adding, because it is required for egress, only emergency, it's going to be alarmed and essentially secure, but able to open in a failsafe condition. There will be another door in front of it so that no one uses it. This door is for convenience for the owner to get to the electrical panel. Chairman Trowse asked if there will be visual adds for this. Mr. Mejias stated he didn't however one of the other witnesses will have. Mr. Mejias stated the only changes they are proposing is to take the existing pylon signs and replace it with our signage. The sign that is attached to the building will also be replaced. They will be obtaining permits for the signage replacement.

There was a question in reference to the lighting in the parking area and when that would be shutting off. Mr. Mejias stated for their operation the lighting would be on during the operating hours, but the landlord has a tenant that is there later than them and he would control the lighting. Mr. Mejias stated the pylon sign is

illuminated and it will only be the hours at night that they are in the office. The light is not used as an advertisement stated Mr. Mejias.

Chairman Trowse asked what hours the garbage will be picked up. Mr. Mejias stated they can arrange for whatever hours the board deems appropriate. Chairman Trowse stated you do border on residential. The dumpster area will be enclosed. Vice-Chairman Sheps asked how this will work in conjunction with the existing facility on Hamburg Turnpike. Mr. Mejias stated that facility is relocating. Vice-Chairman Sheps stated but that is a walk-in facility like an urgent care. Mr. Mejias stated we have changed all of our offices from Urgent Care because we don't qualify in the State of New Jersey to be Urgent Care operations. We don't provide the services that an Urgent Care can provide. We are changing all of our sites to primary and walk-in care.

Chairman Trowse asked what the difference is between walk-in and urgent. Mr. Mejias stated urgent care you come in and you might have cut yourself and you walk to see the MD and they have the services there that can handle the cut, if you came to our site, we would call an ambulance to come and pick you up or have you transported to a facility. Walk-in care; you have a physician there, you see the physician and you still don't feel good the next day, you can show up and see your physician there then or another physician who happens to be there.

Tom Boorady asked who is responsible for the garbage. Mr. Mejias stated they are responsible. Mr. Boorady asked if they are adding another dumpster. Mr. Mejias stated yes they are.

Mr. Barbarula asked about the parking on the other lot is that part of the application because if you lose that the board would have a difficult time with this application. Mr. Mejias stated the parking is in the fifteen year lease they have with the landlord, both lots. The landlord will certify that both properties are part of the lease.

The record shows that Rick Malanga is in attendance at 7:58 pm.

James Talerico asked about signage for employee parking on the lot. Mr. Mejias stated they weren't going to do that.

Chairman Trowse asked if anyone from the public wanted to come forward and ask questions of this witness.

Michael Reilly, 14 Greenwich Street, came forward and asked if there will security cameras in the parking lot. Mr. Mejias stated there are security cameras on site. Mr. Reilly stated because it is a medical facility he was curious to know what type of pharmaceuticals might be on site. Mr. Mejias stated there are no controlled substances on this site. Mr. Mejias stated they have a card system and there is an alarm system that goes to the police department.

No one else came forward, thereupon Chairman Scott Trowse set forth the motion seconded by James Talerico to close the public portion of the hearing.

ALL IN FAVOR / Motion Carried

Witness for the applicant David Hals came forward and is the professional engineer and planner. Mr. Hals listed his qualifications and was accepted by the Board. Mr. Hals stated the site plan has been submitted to the board. This is the revised plan that was supplied to the board. The plan is entitled Preliminary and Final Major Site Plan Block 13.01 Lots 1.01 and 18, 81 Paterson Hamburg Turnpike and 2 Newark Pompton Turnpike. Mr. Hals reviewed the property. Both properties are owned by the same owner Harry Byrnes. Mr. Hals stated Valley Physicians will be occupying a portion of the building in the existing site. Mr. Hals depicted the two buildings and the parking lots for each building. Mr. Hals describe the front door of the building and the door that the staff and doctors would be using. The pads are 4'x4' and they will be where the two new doors will be. There are some minor mechanical improvements to be done in the upper corner of the drawing, the AC units have to be upgraded. There is a trash dumpster and a recycling dumpster on the site and neither one of them are on pad and neither one of them are enclosed. They are actually set up on a grass area at the end of the parking area. Looking back at the site plan if you go from Paterson Hamburg Turnpike over the end of the parking area there is a loading dock just behind the loading dock, the dumpsters are up on the landscaping there. They will be put into a fenced in enclosure and will be placed on concrete pads. Right now they are located in parking spaces and they really should be moved to the other end of the parking lot so it is easier access for the garbage trucks to pick up. Right now they are blocked by parking spaces so if there are cars there they can't pick up the garbage. To do that we would have to increase the impervious coverage of the property again, that would have to be increased by each pad by 8'X10' and each one would be 80 square feet. This is not on the application. This is based on the comments I received from your engineer stated Mr. Hals. I am trying to address those comments stated Mr. Hals. Mr. Barbarula stated it is covered in the notices. The increase would be 1.8% it would be 71.62% and that would have to be changed on the site plan and also stated Mr. Hals on the site plan #23, the hours of operation will have to be changed as well. You heard testimony from Mr. Mejias about the medical space operation, the plans say 8 am to 8 pm and that would have to be changed to 8 am to 9 pm, even though the offices are closed the employees have to exit the facility and they will need light in the parking area. Saturday and Sunday would be increased by an hour as well stated Mr. Hals, as well as days of the week.

Mr. Hals reviewed the garbage pickup. Mr. Hals stated in terms of the impervious coverage, the one lot on the corner, the other lot is on 81 Hamburg, Mr. Hals stated they are asking for a parking variance for both lots. Both of the pads for the new doors are 4' x 4' and basically the size of this table, so it is very small in nature.

The garbage pickups will not be on the weekend and will be after 8:00 am during the week. This will be incorporated in the resolution stated Mr. Barbarula. Mr. Hals agreed. Chairman Trowse asked about a cut off time for pickup. Ms. Razin stated before 5 pm, is that acceptable. Chairman Trowse stated yes.

Sal Poli asked if there were extra lights for this. Mr. Hals stated no, there is a light pole next to the dumpster already, it is not functional at the moment but it will be. Mr. Hals stated that is something else we do have to make all the lights on the site fully operational. Sal Poli stated those lights will be held to the former site plan

correct? Mr. Hals stated yes that is correct. Mr. Hals stated in terms of the parking , we have our existing site with the two sites together, I'll talk about the first of the sites the salon site. There are 26 parking spaces on this site, parking for the salon based upon the square footage of the building requires 12 parking spaces that leaves 14 parking spaces that are available on the site itself. Operationally what will happen for the medical use, we are anticipating that we will have the doctors and staff park in this lot, so they will be parking on the salon lot and they will walk on the sidewalk to the entrance of the building. This way we will be separating the staff from the rest of the area, leaving the bulk of the parking spaces on 81 Hamburg Turnpike lot. Chairman Trowse stated that you are contradicting the last gentleman's testimony when he said that people could park anywhere, what is it. Mr. Hals stated people can park there, people from the salon and there are still fourteen spaces left, so some of the staff will have to park at 81 Hamburg lot. There will be shared parking stated Mr. Hals. James Talerico asked why not designate the spaces. Mr. Hals stated they really wouldn't want to do that, it is impossible to enforce. Mr. Malanga asked between the two lots, is there adequate parking spots? Mr. Hals stated there is adequate spots between the two lots. There is 64 spaces on the 81 Hamburg lot and there are four tenants presently in that space, one is going to be Valley, the second one is a dance studio there, there is a warehouse/auction area, and then there is a vacant space. If we just take the vacant space which is 2500 square feet by code that requires 13 parking spaces. The warehouse space by code requires 8 parking spaces based on the number of employees they have and their office space. Today the way this functions, they have four employees, of those four employees, two park at the facility presently and then they occasionally get a person coming to the site as a guest, so they are probably at 8 spaces. They have more parking spaces than they are using. Then the dance studio and they require 25 parking spaces by code and how they function, they have two classrooms, they have four employees, the employees park on the site and the way their operation runs generally, most families come drop their children off, the children go into the facility and the parents pick them up later. I have been there and watched this process. They require 25 spaces, they are not utilizing the site very much as far as the parking spaces go at all. How we are going to operate, you have heard the testimony that there is six doctors on site with the six doctors there is an addition nine support staff on property which is a total of fifteen spaces needed just for the staff. The other one is the way they operate, they are operating at 2 ½ patients per doctor, six times 2 ½ is fifteen parking spaces there. So they need to operate thirty parking spaces, the code requires that there be 48 parking spaces. However they only need thirty to operate, and we have thirty-three available. The variance is the difference and it shows that there is adequate parking at this site. We are not taking spaces from any of the tenants and the site will function with the amount of spaces that are available.

Tom Boorady asked about the warehouse/auction and how they operate, and is there auctions held with people coming. Mr. Hals stated he does not have an answer, however the owner of the business will be testifying shortly. Mr. Boorady asked about the dance school and if they have recitals where everyone comes to see it. Mr. Hals stated he doesn't know the answer to that either, he just knows about the day to day operation. Mr. Barbarula stated we have a thirty space variance? Mr. Hals stated no, the variance is for sixteen parking spaces.

Mr. Hals reviewed the lighting plan and again the lighting will be up to the original site plan.

Mayor Carelli asked Mr. Barbarula you are asking the applicant to bring the site up to the standard that was previously approved, you are not asking for them to do anything above that, is that correct. Mr. Barbarula stated no either the landlord and the applicant or both have to bring the site up to the approved site plan. Mayor Carelli stated that will be contingent upon the Board's Engineer. John Barbarula stated that is correct. Mr. Barbarula reviewed the site plan and stated it was a good plan, and Tom Boorady agreed it is a good plan.

Mr. Hals stated the lights have to be operational before the office is open. Mr. Barbarula stated there should be a six month review of the site or prior CO whichever is sooner. There was a brief discussion on the lighting and the approvals. Sal Poli asked if the lights will be changed to LED. Mr. Hals stated yes.

Chairman Trowse asked about the letter from the Morris County Planning Board and if those conditions have been met. Mr. Hals stated they are complying with the letter and there was nothing earth shattering, Tom Boorady agreed. That will be in the Resolution as well.

James Talerico asked when you fence in the dumpsters, we are losing parking spaces? Mr. Hals stated no they are not on parking spaces at this time they are on the landscaping outside the parking area. There is adequate area to put the dumpsters with the concrete pads and the fenced in enclosures. The pad size would be 8' from the curb line and 10' long. Mr. Scilingo stated so the closest would be lots 10 and 9 in the rear. Mr. Hals stated they will still be within the building setback. There will still be a 25' buffer. There was a brief discussion on the parking.

Tom Boorady reviewed a couple of points in his letter, there was a correction on page 4 item number six, I incorrectly wrote about the egress door and it is the landlords egress door. There is also a clarification on the signage. Mr. Hals reviewed the signage and what would be the updated version. Mr. Boorady asked if the tenant's signs are going to be taken away. The tenant's signs and the applicant's signs will be displayed on the pylon size and will only be illuminated during the evening hours when they are operational. The signs have been approved stated Mr. Barbarula as long as you're not changing the dimensions. There was a discussion about the signage on the building.

Vice-Chairman Sheps stated the egress from the parking lot at 81 Hamburg Turnpike, making a right hand turn there is not an issue, but anyone coming out of there and making a left turn has to cross three lanes of traffic and I would like to see part of the resolution that no left turn be permitted out of that parking lot. Chairman Trowse stated he thinks our hands are tied on that because it is a county road. Mr. Hals stated at this time it is not restricted. The county application stated they make a left or a right stated Chairman Trowse. Mr. Malanga stated wouldn't there have to be a break in the double yellow line. John Barbarula stated he did not know if the county would allow that. The original site plan does not have that restriction.

Mr. Bulger asked if they meet the ADA parking standards. Mr. Hals stated they meet the code. Tom Boorady stated the four spaces are adequate, and they would not lose a parking space. Mr. Boorady stated he would ask that the restriping be done. This will be part of the resolution.

Chairman Trowse opened the meeting to the public to ask questions of Mr. Hals. Michael Reilly, 14 Greenwich Street, came forward and asked where the dumpsters would be located. Mr. Hals showed him the plans. Mr. Reilly stated there is parking spaces all around the whole area. Mr. Hals stated there are parking spaces perpendicular spaces here and here as shown on the plans, with a 24' drive aisle in between. Mr. Reilly stated his house is right there and he is concerned about the garbage is a whole lot closer to his property. Mr. Hals stated right now it's not in an enclosed space but it will be an enclosed space. Mr. Barbarula stated this will have a concrete pad and be fenced in and the pickups would be timed. Mr. Reilly stated he is worried about the rodents and being so close to the dumpster. Mr. Hals stated there will regular pickups and maintenance. Mr. Reilly stated is there any other place those dumpsters could go other than twenty-five feet from my property. There was a discussion on the location of the dumpsters. Ms. Razin stated there is no food uses in the facility, like a restaurant, which would attract rodents. Mr. Reilly stated he would be against this application just for that reason alone. Sal Poli asked if there are any rodent issues right now. Mr. Reilly stated no there is not. After a lengthy discussion there was an alternative to the spaces. The new location would eliminate one more space, but would be further away from the residences. The spaces will be moved to where they are located today, and will be fenced in and the variance for parking stalls would be 17 as opposed to 16. Mr. Barbarula stated this would be a safer location for the dumpsters. Mr. Hals stated they are requesting an additional car variance so there will be 17 instead of 16, the impervious coverage is increased by .18% and the garbage will be located in the same location as it is today, but on a concrete pad and fenced in.

Mayor Carelli stated you have a 6 yard dumpster and that it has to be covered and the Board of Health does inspect. Mayor Carelli stated he know Linda and himself spent a lot of time going all through Riverdale and it took about nine months to get rid of the rats, so we were pretty aggressive with that so as long as the area is well kept, because they need water, they need food and they need a habitat, so let's not give them one. Mayor Carelli stated he felt if these conditions were in place it would be a very low probability that there would be any rats.

Chairman Trowse opened this portion of the meeting to the public. No one came forward thereupon Chairman Trowse set forth the motion seconded by Sal Poli to close the public portion of the meeting.

ALL IN FAVOR / Motion Carried

Mr. Harry Byrnes, 81 Paterson Hamburg Turnpike came forward and was sworn in by the board attorney. Mr. Byrnes stated he is the owner of the two sites listed on the application and the owner of the auction located at 81 Hamburg Turnpike. Mr. Byrnes stated the applicant has a lease for both lots listed and in conjunction with the application. Mr. Byrnes stated that he is willing to certify that the lease states both parking lots are in the lease for this application. Mr. Byrnes stated he owns

both sites and has no issue with the applicant and the cross access easement, so stated Mr. Barbarula someone will draw up the easement document, it will be in the form of a deed and approved by the Board Engineer and Board Attorney and filed with the County. Mr. Byrnes stated there is no tenant space over the salon, the only thing on the second floor of the salon is a massage table, it is a two story house and they utilize the main floor for the hair salon and the second floor there is a massage table in one room and an office in another. The user is the same for the building, and she is a single tenant. Mr. Byrnes stated he is amenable to the dumpster changes that were just described. Mr. Byrnes described how the warehouse operation works. Mr. Byrnes stated they hold auctions on line and everything is sold via an online bidding platform (as it was during covid) customers come sporadically over the course of the week to pick up. Usually the inventory comes in via the loading dock and goes out on SUV's. The lighting is already LED stated Mr. Byrnes, the bulbs are retrofitted in there about a year ago, but the missing heads I was made aware of and Van Riper Electric is replacing them in about a week or so. Attorney Barbarula reiterated the fact that the site plan has to be brought up to the existing site plan. Mr. Byrnes stated he just purchased ten 10' trees to be planted as a buffer between the site and the residences.

Mr. Boorady asked what type of equipment do you sell at the auction. Mr. Byrnes stated commercial inventory like building materials, clothing on occasion, flooring things like that. The majority of their work is in the field stated Mr. Byrnes, this is just for special occasions. Mr. Boorady asked if there are electrical permits required for the work that Van Riper is doing. Mr. Byrnes stated he knows enough to do that if it is required, but all he is doing is changing out the existing heads to LED heads and then there is three poles where the heads are gone and he is going to put new ones there. Mr. Boorady stated okay just make sure they are horizontal to the grade. The fixtures that are out there now are called shoebox fixtures cause they look like and upside down shoebox, and that bulb is concealed, and the bulb is faced down toward the ground and that is what has to be there.

Chairman Trowse opened this portion of the hearing to the public to ask questions of Mr. Byrnes. No one from the public came forward, thereupon Chairman Trowse set forth the motion seconded by Sal Poli to close the public portion of the hearing.

ALL IN FAVOR / Motion Carried

Ms. Razin made her closing statements and asked for an approval for the application.

Chairman Trowse opened the application to the public for comments or statements on the project. No one from the public came forward, thereupon Chairman Trowse set forth the motion seconded by Sal Poli to close the public portion of the hearing.

ALL IN FAVOR / Motion Carried

Attorney Barbarula stated you have before you and amended final site plan amending the prior approvals for the subject property known as Block 13.01 Lots 1.01 and 18. This is a permitted use and all board members are entitled to vote. There are two variances for lot coverage and the parking variance for seventeen. There is a total of parking variances now totaling seventeen and that is as a result of the working with the board concerning the location of the dumpsters. The

dumpsters will be on a concrete pad and fenced in enclosures. The dumpsters will be picked up on weekdays no earlier than 8:00 am and before 5:00 pm with no pick-ups during the weekend. The testimony has indicated that the subject use has a generation of fifteen parking spaces the applicant based upon the testimony and also the certification that this is a consent from the landlord for lots at 1.01 and 18 and that is part of this applicant's lease, and so the staff and doctors can park there. The letter from the Morris County Planning Board will be complied with. The landlord has consented to cross access to both lots, and will be approved by the attorney and the engineer for approvable prior to getting a CO as a cross access is necessary. The signage will be as per discussion. All those aspects are agreed to and testified by the applicant and the acceptance of the landlord. This being an approved use it is now ready for a vote favorable or against.

Thereupon Sal Poli set forth the motion to approve the application testified and as Mr. Barbarula has stated as long as all those conditions are met and satisfied, I have no issue. Rick Malanga seconded the motion.

**ROLL CALL: Ayes: Poli, Malanga, Carelli, Pellegrini, Scilingo, Bulger,
 Talerico, Sheps, Trowse
 Nays: None
 (9 Ayes – 0 Nays – Motion Carried)**

ADJOURNMENT:

Thereupon Sal Poli set forth the motion seconded by Rick Malanga to adjourn the meeting.

ALL IN FAVOR / Motion Carried

Meeting adjourned at: 9:22 pm

Respectfully submitted by:

Linda Roetman, Board Secretary