

Lodi Planning Board
Minutes
March 10, 2010

The meeting was called to order by Chairperson Al Norieka at 7:00 p.m.

Mr. Norieka welcomed Mr. Paul Wanco, the Borough Fire Official, as a member of the Planning Board, replacing Mr. Tony Luna.

Members Present: Mr. Borelli
Mr. Carrasco
Mrs. Breitwieser
Mr. Vakharia
Mrs. Fiduccia
Mr. Ingenito
Mr. Wanco
Mr. Palumbo
Mr. Norieka

Also Present: Planning Board Attorney Joseph Russo
Planning Board Planner Gary Paporozzi
Planning Board Engineer Tom Solfaro
Planning Board Secretary Marlene Muska

There was a motion by Mrs. Breitwieser, seconded by Mr. Ingenito to accept the minutes of the January 13, 2010 meeting. All members voted in favor of the motion with the exception of Mr. Wanco who abstained.

Mr. Russo stated the application for Mr. Salvatore Enea, 70 Route 46, will be carried to April 14th, Mr. Russo stated he advised Mr. Toronto due to the snow storm last month and the meeting being cancelled, he asked Mr. Toronto to re-advertise and re-notice.

Mr. Russo stated we need a special meeting for the adoption of the Reexamination Report of the Master Plan; the two dates are March 24th and April 7th. Is everyone available for the March 24th date? Mr. Russo will get the notice in the newspaper for March 24th at 7:00 p.m. Mr. Russo will remind the members via e-mail a couple of days before the meeting.

Application: 022110P
Mr. Anthony Condemi
137 Route 46 West

Mr. Russo stated he had a conversation with Mr. Palumbo, where Mr. Palumbo had a conflict with this application and therefore will reclude himself from hearing this application.

Mr. Anthony Condemi stated this is a site plan waiver and continued certificate of occupancy for 137 Route 46 West. The property has been a used car lot for 20-25 years, we have lost our

tenant and Condemi Motor Company will become the tenant. They will come back to Lodi again. The owner of the property is Anthony Condemi. He is the owner / applicant. The property will be used as a used car lot with approximately 4-5 employees. There will be no changes to the building, the foot print and parking will stay the same.

Mr. Norieka asked if any members had any questions

Mr. Wanco stated on the plans there are 2 rows of cars on the east side of the building, there is no separation in between these cars, and also what would be the drive space between the building and the first row of cars. The aisle width.

Mr. Condemi stated there would be roughly 20 feet.

Mr. Wanco stated we would require a 3 foot area in between the two rows of vehicles for fire fighting purposes.

Mr. Condemi stated he submitted the proper paperwork; the architect spoke to the town officials and submitted the proper documents. I believe he submitted what he was told to do.

Mr. Wanco stated in between the two rows of cars we need a space, our biggest problem as far as firefighting is concerned is it is difficult to move a charged line, we would like spaces in between the rows of cars. Your spaces are 8' X 16', and the spaces should be 9' X 18' which is required. You are showing 9' X 18' on the west side of the building where you have 11 spaces, but not in the front or east side of the building.

Mr. Condemi stated on the east side of the building if we move one row toward the building, will we comply with your request.

Mr. Wanco stated you need to stay away from the building 20 feet.

Mr. Norieka questioned if the fence is on the property line.

Mr. Wanco stated you can probably shot from the fence, however you might need to open a door or truck or hood, which we will need access to the property.

Mr. Noreika questioned what is the requirement for parking lot spaces.

Mr. Paporozzi stated the borough requirement is 9' X 18' for all spaces.

Mr. Wanco stated the driveway where the arrows are showing would need to show fire lane no parking designated on the west side and south side.

Mr. Noreika stated if the applicant takes one spot away it would give him the 9 feet but he would not have the 18 feet.

Mr. Borelli questioned there was no dumpster placement on the site plan.

Mr. Condemi stated it is usually placed on the west side by the service area.

Mr. Wanco stated the dumpster needs to be 5 feet away from the building.

Mr. Carrasco stated the dumpster also needs to be enclosed.

Mr. Borelli stated according to the resolution 8914Z item #3 the 6 foot wood fence looks like it is off the property line.

Mr. Condemi stated the west side belongs to Condemi so it really doesn't matter.

Mr. Condemi questioned the dumpster requirements.

Mr. Wanco stated the fire code recently changed in 2009 and they adopted the International Fire Code and the dumpster needs to be 5' away from the building or any combustible materials.

Mr. Russo stated according to the plan you can probably just do it because it looks like there is 6' from the fence to the wall.

Mr. Russo suggested removing the nine parking spaces just to get you going, and then coming back with a creative way to get more spaces which complies with the fire code, you could come back and we can look at the plan.

Mr. Wanco questioned on the aisle on the east side of the building is it 20 feet or are you estimating. He has 11-1/2 feet according to the drawing from the building to the first space.

Mr. Condemi stated the property has been a used car lot for 20 years. Nothing actually has changed except the name, I don't know if I should go through all this. This should be left alone, if this guy that was renting to me did not leave, you would not go there and ask him to comply.

Mr. Norieka stated this never came to the planning board.

Mr. Condemi stated we have a resolution from the zoning board.

Mr. Russo suggested to Mr. Wanco and Mr. Pappozzi that since this is pre-existing could the borough come in and enforce the fire codes on the existing tenant.

Mr. Wanco stated yes they can. What we are trying to do is to have everyone that comes before the board in compliance with the fire codes.

Mr. Condemi questioned will this be a continuation of the business.

Mr. Condemi stated what if I purchase the corporation.

Mr. Russo stated I think that is false, I think you still have to conform to the code. If the existing tenant was still there, the fire official can go there and deem the parking spaces not up to code.

Mr. Wanco stated we are trying to save that aggravation. We can go there and do a site inspection and site you for the improper width or aisle we would prefer not to do that and work with you now to resolve any issues we would have later.

Mr. Condemini questioned if I was on Main Street like I was for 20 years,

Mr. Russo stated the building is probably grandfathered in the use is grandfathered, but I don't believe you get grandfathered in for fire codes.

Mr. Russo stated if you remove the 10 spaces and then have your architect put in a few more spaces.

Mr. Borelli stated the resolution stated that #6 the applicant is subject to approval of State County and borough approval. So therefore he has to comply with the approval of the fire codes. I feel he still has to comply whether it was yesterday, today or tomorrow.

Mr. Solfaro stated there are 31 substandard spaces on the lot.

Mr. Condemini stated he is not a lawyer or an architect

Mr. Paparozzi stated he did not have time to have some correspondence with the architect to go over some of the borough requirements. As Mr. Russo stated the used car lot and building have been grandfathered in, but there have been ordinance changes in the 20 years. Now what the borough is trying to do is if the person you are buying it from sold 50 cars, then you can sell 50 cars and that would be grandfathered in, but if he sold 10 cars and you want to sell 50 cars well then you are going to have to comply with the new ordinances. Even if everything was grandfathered in, the fire official's office always takes precedence because of the safety factors. Maybe we could have gone over some of this stuff, prior to you coming down here tonight. If we had some correspondence with the architect some of the numbers that are missing would have been filled in. Mr. Paparozzi suggested either him or Mr. Solfaro look over the plans and give a report to the board.

Mr. Russo stated past practice is not going to matter, if the spaces are in violation, it has to be changed.

Mr. Paparozzi stated he can talk to the architect and show him what was done.

Mr. Russo stated if there was a variance for 9' X 18', which the variance goes with the land. There is a lot of grandfathering going on. You need to bring this back to the architect.

Mr. Condemini stated he will have the architect call the borough and try to make this work.

Mr. Borelli stated the planner and engineer should look at the plan.

Mr. Russo stated we can give him a temporary Certificate of Occupancy with revisions being made to the plan and given back to us.

The revisions are as follows:

1. A dumpster has to be put on the plan and enclosed
2. The driveways have to have painted the words “fire lane – no parking”
3. The 20 spaces on the east side 10 spaces have to be removed and the remaining 10 spaces have to be 9’ X 18’ not 8’ X 16’
4. The 9 spaces located on the south side of the property also have to be 9’ X 18’ not the 8’ X 16’

The temporary Certificate of Occupancy will be issued upon the receipt of the changes in the plans.

There was a motion by Mr. Carrasco, seconded by Mr. Borelli to approve the application. All members present voted in favor of the motion.

Application: 021710P
Avo- Jack
660 Main Street

The owner is Michael Chudaryan, who is here for a site plan waiver. He already has a Certificate of Occupancy. He has an inspection machine from the state of New Jersey; he has had the machine for approximately 3 or 4 months. He is certified by the state to use the machine, he has to have the facility licensed to use the machine and the Boro Clerk stated he had to come before the planning board before she can fill out the necessary paperwork. The owner has owned the property since the late 70’s. The machine is approximately 3 or 4 feet wide. He is still waiting for the state to get the software to run the machine, but he is just doing all the other necessary paperwork.

Mr. Paparozzi stated the survey was dated 2000, it is 10 years old and it is showing both lots owned by Mr. Chudaryan. The applicant owns the station and lot next door. Mr. Paparozzi is requesting a new survey only showing the lot in question, because the other lot is a used car lot and there will be many variances that are required. The lots are two separate lots and we would need a new survey for just the lot in question. According to ordinance 195-11 you would require 6 spaces for the first bay and 3 spaces for the second bay, which needs to be striped. The dumpster on the lot is on the used car lot.

Mr. Russo stated aren’t these enforcement issues.

Mr. Paparozzi stated this is what happens – the only way you can enforce them and put them on the record is when they come before us. The records in the files have never been updated to

show parking, which is a revised ordinance, the dumpster, which is a revised ordinance, the sign ordinance, which is a revised ordinance. So as we revise the ordinance and the applicants come in front of the board, that is your means to enforce the ordinance or grant the approval.

Mr. Norieka stated he is not here for a Certificate of Occupancy; he is not here for a change of ownership or change of use. He is here for a machine in the garage, which he has had for 20 years; he is just updating it to a new machine.

Mr. Paparozzi stated this is the ordinance for a service station.

Mr. Norieka stated that should have been done in the 70's with his original Certificate of Occupancy.

Mr. Paparozzi stated nothing was done in the past – and when does it get done.

Mr. Paparozzi stated I am not saying this has to be done; I'm just saying this is what the ordinance calls for. Now it is up to the board to come up with a happy medium. I am just talking about the service station, but the ordinance also addresses junked cars, landscaping and parking by the bays. If you don't want to enforce it, that's fine, I'm only giving you what the ordinance says and he is in front of you. Ok, he's been there for 30 years, fine, at least put something on record, so now if Mike should sell his station, he doesn't have to have parking, or he doesn't have to have what the ordinance says. The ordinance is there I interpreted it for you, and you make the call. The application calls for a survey not less than a year old. This survey aside from being wrong is 10 years old, it is not sealed and it is not with the lot in question. My report is there whatever the board wants to do.

Mr. Russo stated irrespective of him being before us the borough can enforce those issues that you raised in your report.

Mr. Paparozzi stated he would assume so. However, the application states the survey should not be less than a year old. The survey is 10 years old and it is showing a used car lot, that is not part of the application.

Mr. Norieka stated when he read the paperwork he received, the man is not here for a site plan waiver, the state requires him to come to the planning board for the inspection machine. That's why I was confused, with what you guys came up with. I don't know where the state got involved with the planning board with a machine that is in the guy's garage.

Mr. Palumbo questioned you will be expecting more people, because you are getting an inspection machine.

Mr. Cuhudaryan stated they would be in and out - they would be like a ½ hour inspection. There would not be lines like motor vehicle, it would be not be parked over night. There are only 2 people working there and it will not be like 30 cars.

Mr. Russo questioned if he would be willing to get a new survey with the nine spots.

Mr. Cuhudaryan said if he had to, he does not know why he has to do all that, the machine is there already, it is a portable machine which he paid \$13,000.00 for and it is sitting there he can not do anything with it. If he knew this before he got the machine.

Mr. Wanco state it would be inspected every year.

Mr. Carrasco questioned if the inspections would be done by appointment.

Mr. Cuhudaryan stated yes it would.

Mr. Palumbo questioned if the machine is portable enough to go outside.

Mr. Cuhudaryan stated he would not take the machine outside, not enough wire to take it outside.

Mr. Borelli questioned if he purchased the machine, prior to the boroughs approval.

Mr. Cuhudaryan stated he had a machine, and now he was approved to get a new machine.

Mr. Carrasco questioned if he still had an inspection license.

Mr. Paparozzi suggested that a new survey with the lot in question be put in the file. If the board is ok with whatever then just a survey on lot 39.01.

Mr. Norieka questioned if Mr. Cuhudaryan get a new survey.

Mr. Wanco questioned if he is in compliance with the dumpster ordinance.

Mr. Cuhudaryan stated he has no problem showing the dumpster being enclosed.

Mr. Russo stated the conditions for the resolution will include:

1. A survey of the lot in question 39.01
2. The dumpster being 5 feet away and enclosed.

There was a motion by Mr. Ingenito, seconded by Mrs. Breitwieser to approve the application. All members present voted in favor of the motion.

Application: 022210P
111 Route 46 West LLC
111 Route 46 West

Morris Starkman is the attorney representing the applicant, 111 Route 46 West LLC, also present is the principal owner of the LLC, Ari Starkman.

Mr. Starkman's client is in the process of purchasing the property from Magyar Bank, the property is in foreclosure. One of the conditions prior to the closing on the property would be to have a site plan waiver that is why the applicant is here this evening.

Mr. Russo swore in Ari Starkman.

Mr. Ari Starkman gave a brief description of the existing plans and the proposed renovations of what they would like to do to the property. These would all be interior renovations. There would be no changes to the façade of the building. Maybe just painting and cleaning up the outside.

Mr. Papanozzi stated the application states the outside of the front of the building will get a cosmetic upgrade – I do not know what that means, but it sounds like a little more than paint and clean up – it also states new signage, new lighting and new landscaping, none of those plans were received by the borough. I never got a chance to address that – I have a site plan and the architects plan for the interior of the building. What are in question is there is no enclosed dumpster-parking there is only along the building that is striped and also the area that is leased the parking should be shown, and the plans with the upgrades to the exterior of the building – signage, lighting, and landscaping the engineer needs to review.

Mr. Starkman stated he was under the impression for a site plan waiver all they needed was a current survey. The cosmetics outside is to refresh the building, the landscaping there isn't a lot of room there, we are very limited, they would remove all the dead bushes and trees the gazebo which is useless, they would clean up and replace with in the parameters of what is there now. There will be more than happy to address all the concerns. They already have had the fire official there and all the necessary construction drawings will be submitted prior to doing anything when we are ready for the construction permits.

Mr. Papanozzi questioned the cosmetic front of the building.

Mr. Starkman stated there are broken tiles and things that have to be attended to, nothing major.

Mr. Papanozzi stated the dumpster has to be enclosed and five feet away from the building. He also questioned if the parking lot will be striped.

Mr. Starkman stated he is not doing anything until the actual closing.

Mr. Russo stated the conditions in the resolution will be:

To enclose the dumpster

To show the lighting upgrade

To stripe the parking lot

To apply for any permits that will be required for any repairs

All these conditions will apply if they have the closing. This is a catering business and the new name will be Elan Catering.

Mr. Wanco stated in the past when they had events, they would park cars across the exit way and there was a problem with blocking the R.O.W. for the businesses in the back of the building.

Mr. Paparozzi stated maybe a valet will help with those problems.

Mr. Starkman stated they will comply with everything.

There was a motion by Mr. Borelli, seconded by Mr. Palumbo for the site plan waiver and Certificate of Occupancy. All members present voted in favor of the motion.

Application: 123009P
European Auto Expo LLC
91 Route 46 West

Mr. Russo stated this is a continuation of the January meeting.

The following documents will be marked into evidence.

Exhibit A1 – Proposed Parking Layout prepared by Edward Easse dated 11/10/09 revised 1/13/20

Exhibit A2 – Survey prepared by Bernard Criscenzo dated 11/9/09

Exhibit A3 – Proposed Parking Layout prepared by Edward Easse dated 11/10/0 last revision dated 2/19/10

Exhibit A4 – Building Survey prepared by Edward Easse dated 11/10/09 sheet A-02

Mr. Marchelle stated the changes done on the plans are shown in the cloud effect on the plans. There will be a total of 41 parking spaces.

Mr. Solfaro stated there is an existing state approval.

Mr. Carrasco questioned the 8 foot fence on Sidney Street

Mr. Paparozzi stated at the January meeting I was asked to check the file for the variances that were issued. There are two plans one showing 35 spaces and 5 for customers for a total of 40 spaces and another plan shows 50 spaces. This plan does conform. The handicap is now ADA Compliant and the dumpster is enclosed.

Mr. Wanco stated the aisle width starts at 24' and goes down to 14'. My concern is getting the fire apparatus in. It is basically showing approximately 24' around.

Mr. Palumbo questioned the car carriers are coming in to Sidney Street because of the work being done on Route 46 and possibly inclement weather, but other than that the street will be closed.

Mr. Solfaro questioned if there was a petition made to the DOT for the curb cuts.

Mr. Russo questioned the hours of operation will be 9 a.m. to 8 p.m. Monday through Friday and 7 a.m. to 4 p.m. on Saturday. Mr. Larry Shalaby has a N.J.D.M.V. License as a used car dealership.

The conditions for the resolution will be you will show the striping and the fire lane no parking on the plans.

There was a motion by Mr. Palumbo, seconded by Mrs. Fiduccia to approve the application. All members present voted in favor of the application.

Application: 021610P
Nandha Petroleum
490 N. Main Street

There was no one here for this application.

Application: 021910P
Shiv Gas
206 Route 46 E

There was no one here for this application.

Mr. Russo questioned the board regarding Salvatore Enea, if the applicant came in with a building that would comply with the present zoning ordinance.

Mr. Palumbo stated he feels the applicant should come back and show us exactly what he is going to do.

Mr. Pappozzi stated the follow up report he did on the application there are still things wrong with this application. There are a lot of issues with this application.

Mr. Russo would like to end this conversation as the applicant is not here and he will have the applicant just reapply.

Mr. Russo reminded all the members to read the Reexamination Report this is a very important document.

Mr. Russo also told the board members the trial for Marques is scheduled for March 30, 2010.

Respectfully submitted,

Marlene Muska