

Lodi Planning Board  
January 14, 2009  
Minutes

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

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

Also Present: Mr. Joseph Russo – Planning Board Attorney  
Mr. Thomas Solfaro – Planning Board Engineer  
Mrs. Marlene Muska – Planning Board Secretary

Members Absent: Mr. Vakharia  
Mr. Ingenito  
Mr. Luna

There was a motion by Mr. Carrasco and a second by Mrs. Fiduccia to accept the minutes of the December 10, 2008 meeting. All members present voted in favor of the motion.

**Applications: American Legion  
41 Union Street**

The attorney for the American Legion, Mr. Toronto, requested this application be carried to the February 11, 2009 meeting. There will be no further notice of this application being carried.

**Metro Cleaners  
304 Harrison Avenue**

This is a Site Plan Waiver and Certificate of Occupancy application. The property owner Mr. Vincent Puccio along with the new tenant Mr. Jae Kim was present. The applicant stated there is no change in operation or the structure of the building.

Mr. Palumbo questioned the owner of the property regarding the number of parking spaces on the property. There seems to be 10 spaces but they are not all for Metro Cleaners. Metro Cleaners has 2 parking spaces and 2 employees, who don't drive and when they drive they park on the street.

At the recommendation of Mr. Russo the property owner has no problem making a handicap parking space in front of the building.

Mr. Palumbo questioned if the parking lot touches the Harrison Avenue sidewalk and do people actually park on the side walk.

Mr. Puccio stated the parking lot has been that way for many years, and there was never a problem parking.

There were no other questions from any board members and no one from the public wished to be heard on this application.

There was a motion by Mrs. Fiduccia and seconded by Mr. Borelli for a site plan waiver and Certificate of Occupancy to be granted to Metro Cleaners. All board members present voted in favor of the motion.

**121208P**  
**Rosa's Deli**  
**26 Borig Place**

This application is for a Site Plan Waiver and Certificate of Occupancy. The property owner, Mr. Anthony Giordano was present along with the applicant Rosa Diaz. There is no structure renovations, no new signage, just street parking as in the past. There is no delivery service for the deli at this time; delivery trucks will be making deliveries as in the past with the street parking which is enough room. The deli will be open six days a week, Monday through Saturday.

Mr. Palumbo asked if there would be table service. There would possibly be a board of health issue if the customers would have to go through the kitchen to gain access to the restrooms.

Mr. Borelli stated if they were to use these bathrooms they would have to be barrier free.

Mr. Russo advised the applicant to go with the no eating at the establishment for now. Gets the business going and if it takes off later on they can come back with the counter service.

There was a motion by Mr. Carrasco and second by Mr. Borelli to approve the Site Plan Waiver and issue the Certificate of Occupancy. All members present voted in favor of the motion.

**010509P**  
**Richman LLC**  
**396 Passaic Avenue**

Dennis Francis the attorney for the applicant Richard Kouefati is requesting a Site Plan Waiver and Certificate of Occupancy. The property owner is on his way. This is a self serve laundromat with a drop off service. Hours of operation will remain the same 24 hours per day 7 days a week with 1-2 employees at the highest shift of operation. This is a fairly new building – built approximately February 2006.

The concerns expressed by Mr. Norieka is this building never appeared before either the Zoning Board or Planning Board and his concern is were the variances ever approved.

Mr. Russo expressed concern has to how the building was built without coming to either board.

Mr. Norieka remembers the address coming before the mayor and council because of residence on Passaic Avenue having sewer problems and the residents were concerned with how the laundromat was allowed there.

Mr. Palumbo expressed concerns with the volume of water from approximately 32 washing machines.

Mr. Russo reminded the board that we have documentation in front of us in which the town issued a Certificate of Occupancy.

Mr. Norieka requested we table this discussion on this particular application to give the property owner a chance to get to the meeting.

The applicant and his attorney agreed to wait.

**12310P**  
**Nelson Marques**  
**181 Farnham Avenue**

Mr. Russo informed all the member of the Planning Board this is basically a do over application as the tape recorder did not work the night of the original meeting in September 2008. He asked that the board members treat this as a brand new application.

Mr. Toronto the attorney for the applicant submitted the affidavit of mailing and the advertisement to Mr. Russo for approval. Everything was in order.

Exhibits submitted for this application are as follows:

A1 – Photo Inventory of Farnham Avenue between Fredrick and First Street (first picture is Block 1, Lot 1 Single Family home)

A2 – Photo Inventory of Farnham Avenue between Fredrick and First Street (first picture is Block 3, Lot 43 Two Family home)

A3 – Existing Land Use and Zoning Map

A4 – Photo Inventory of Harrison Avenue between Frederick and First Street

A5 – Plans for minor subdivision dated 2/27/08 – revised 9/2/08

A6 – Site Plan dated 8/25/08 – revised 9/2/08

## A7 – Outline of Planning Testimony – submitted by Susan Blickstein

Mr. Toronto stated the applicant is requesting a minor subdivision of a 100' X 100' lot subdividing the lot into two 50' X 100' lots for the construction of two – two family homes. This application is also seeking variances for minimum lot width along with lot size.

Mr. Steven Koestner the engineer for the applicant gave testimony regarding the plans submitted to the board and in fact that he prepared exhibits A5 and A6. The applicant is proposing variances for a minimum lot width to be 50 feet when 75 feet is actually required, and the lot area to be 5000 square feet in lieu of 7500 square feet as stated in the zoning board ordinance. Mr. Koestner advised the board bulk variances would be required for minimum lot size and lot width. He also stated that each two family home would be constructed as a “duplex” with a two car garage, and each duplex would have a driveway for parking an additional two cars.

Mr. Solfaro asked if the applicant was here tonight also for Site Plan approval and Mr. Russo advised that they are here just for the minor subdivision with the variances.

Mr. Palumbo asked what is on the property now and it was stated the property is now a vacant lot.

Mr. Palumbo questioned the 30 inch retaining wall and if it would still interfere with the driveway. He also questioned the left side of the property – the retaining wall which is 7 feet tall – will there be another fence to prevent people from walking off the wall.

Mr. Solfaro does not remember the details, but believes the retaining wall was approved by his office with conditions.

There were no other questions from the board members or anyone from the audience for the engineer.

The planner for the applicant Ms. Susan Blickstein gave testimony using exhibits A1, A2, A3, and A4 and also read from exhibit A7. The exhibits Ms. Blickstein used were submitted by EFB Associates LLC.

Ms. Blickstein's testimony stated that there are 20 properties on Farnham Avenue between Frederick Street and Charles Street and half of those properties are 2 family homes and 80% of those 2 family homes are on lots of 5,000 square feet or less with less than 50 feet of frontage. She also stated that in her opinion the proposed two 2 family homes that the applicant is asking for would be consistent with the pattern of development along Farnham Avenue.

Ms. Blickstein gave testimony regarding the Borough's Master Plan and one goal is to promote the establishment of appropriate population densities and concentrations that will contribute to the well being of persons, neighborhoods, community and preservation of the environment. It is Ms. Blickstein's opinion that the proposed subdivision would provide an opportunity for two family residences at densities consistent to the neighborhood. It is also Ms. Blickstein's opinion

that the proposed subdivision will not impair the development pattern of the existing neighborhood and that the proposed use of the subject property is not inconsistent with the goals and objectives of the Borough's Master Plan or Municipal Land Use Act.

Ms. Blickstein gave testimony regarding the bulk variances and stated they can be justified under both C1 and C2 variances by reason of extraordinary and exceptional situations uniquely affecting a specific piece of property. The applicant's property is unique not only in size but constructing two 2 family homes on a 50 X 100 piece of property would be consistent with the neighborhood scheme.

The negative criteria would be satisfied in there would be no substantial impairment on the public good as this subdivision is consistent with the predominant use and density of the neighborhood. The proposed subdivision also re-develops the property according to contemporary construction techniques relating to drainage, provision of off-street parking, fire codes and increases area property values.

Mr. Borelli questioned the house next to this application is on a 75' X 100' piece of property and is a 2 family home.

Mr. Palumbo questioned the ages of these homes in the photos – was there any home built with in the last five years, and lot 10 is a 75' X 100' piece of property which a 2 family home is being built.

Mr. Russo advised the applicant for the record that he can build 2 single family homes with no variances on the subdivided lots of 50' X 100' or he can build 1 – 2 family home with no variances on the 100' X 100' piece of property. He advised the applicant again of the goals of the Master Plan to eliminate over crowding and that is what the ordinance was to do.

Mr. Russo would like to place as exhibits to this application the 2 reports received from the Planning Boards Planner as exhibits A8 – report dated August 5, 2008 and exhibit A9 report dated September 4, 2008. The reports basically state that 2 – 1 family home can be built with no problem.

There were no more questions from the board members and no one from the audience wished to be heard regarding this application.

Mr. Solfaro again stated the applicant is not here for Site Plan Approval this evening and if the board was to act favorable to this application, the applicant would have to apply for building permits, and at such time engineering issues such as storm drainage, walls, calculations, site distance and driveway access will be addressed.

Mr. Russo stated the application is for a minor subdivision and variances to build 2 – 2 family homes. If the application was to ask for the subdivision of the 100' X 100' piece of property alone this board would have to allow the subdivision, however he is also asking for the homes to be built.

Mr. Toronto questioned if the planning board had an opportunity to review ordinances 707-14 and 707-16.

Mr. Russo will look into this matter.

There were no further questions from the board members and again no one from the audience wished to be heard regarding this application.

There was a motion by Mrs. Fiduccia and a second by Mr. Borelli to deny the application the subdivision of the property along with the building of the 2 – 2 family homes. All members present voted in favor of the motion.

The Planning Board took a 5 minute recess.

Roll Call:

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

Also Present: Mr. Joseph Russo – Planning Board Attorney  
Mrs. Marlene Muska – Planning Board Secretary

Members Absent: Mr. Vakharia  
Mr. Ingenito  
Mr. Luna

Mr. Solfaro left after the recess.

The board will continue with the application for Richman LLC

010509P  
Richman LLC  
396 Passaic Avenue

Now present is the laundromat owner Mr. Paul DeStefano and the property owner Mr. Karlson. Mr. Karlson stated the property was purchased from an auction from the Borough of Lodi in 2004. The borough remedied the site and there were renovations done to the exterior of the building and no change to the original foot print. The property owner does remember bringing blue prints to the building department, but does not remember being in front of the planning board to do the renovations.

Mr. Norieka checked with members of the Zoning Board and he was told the applicant did not come before the Zoning Board and / or the Planning Board.

The property owner, however, in 2004 received a Certificate of Occupancy from Mr. George DeNobile the Zoning Officer at that time.

Since the owner purchased the building there as only been a laundromat there and offices for Modern Propane.

Mr. Norieka stated all the prints were done correctly and the engineer the property owner hired prepared the prints correctly. However, Mr. Norieka was concerned with the impact of the use – it is a conforming use, however the property owner should have come to the board for the impact.

Mr. Palumbo questioned the sewer lines.

The laundromat owner, Mr. DeStefano remembers going to the building department and the Mayor and Council and it was their recommendation to have a sewer study done in March 2006 by the State DEP. There is approval from the TWA on file in the building department along with the sewer tapes. Mr. DeStefano also remembers Mr. Job being at the property numerous times. Mr. DeStefano also has a resolution sighting approval in October or November of 2006 and received a Certificate of Occupancy in July or August of 2007 from the building department. Mr. Norieka stated to the property owner that right on the prints it says variances required for the parking spaces.

Mr. Karlson remembers the parking spaces being an issue and he conformed to what was necessary.

Mr. Borelli questioned if the building is storing propane. Modern Propane uses the property for offices and stores grills in the building.

Mr. Karlson stated only two people use the office and most of the time park on the street. Again, Mr. Norieka stated there was no application for the variances.

Mr. Norieka questioned how the Mayor and Council can issue a resolution.

Mr. Russo stated the laundromat exists and the building department signed off on this. A Certificate of Occupancy was issued in July 2007 and we can not hold purchaser responsible for something done in 2007.

Mr. Borelli questioned if this passes can the board put something in the resolution subject to the building department findings on the TWA reports.

Mr. Palumbo questioned Mr. DeStefano if any of his other Laundromats had sewer testing done and Mr. DeStefano said approximately 5 out of the 8 laundromats have had testing done.

Mr. Russo stated we can get the records and have our engineer look into the reports.

Mr. Borelli would also like to see the minutes from the Mayor and Council meeting.

Mr. Norieka asked if anyone from the audience wished to be heard regarding this application.

Ms. Debra Powell – 361 Passaic Avenue stated concerns about the sewer problems and water flow problems she has had since the laundromat opened. Other neighbors have had problems, but were not aware of the meeting otherwise they would have been here too.

Mr. Russo stated all we can do is ask Mrs. Fiduccia to advise the Mayor and Council of the problem, also have Mr. Solfaro review the TWA reports and see what can be done to help the neighbors and continue with the Laundromats operations.

Mrs. Breitwiser would like to come to the bottom of the problem without hurting the new owner or the neighbors.

Mr. Palumbo questioned the pipes used from the machines to the pit is 4 inches and the 4 inch pipe goes into a 6 inch pipe on the side street which goes into a 10 inch pipe on Passaic Avenue.

Mr. Norieka feels Mr. Solfaro can look into the problem and get back to the board on his findings.

Mrs. Fiduccia questioned Mrs. Powell if the Boro Manager is aware of her problems.

Mrs. Powell stated she has gone to Mr. Luna and the D.P.W. and they are aware of her problems and concerns.

Again, Mr. Russo advised Mrs. Powell Mrs. Fiduccia will inform the Mayor and Council and Mr. Solfaro will review the TWA reports.

There was a motion by Mrs. Breitwieser and a second by Mrs. Fiduccia to accept the site plan waiver and issue a Certificate of Occupancy. All members present voted in favor of the motion.

#### New Business

Mr. Russo stated to the board members there is a referral of a proposed ordinance. The Mayor and Council would like the board members to look over the ordinance and advise them of the board's findings. In summing up the ordinance the Borough would like to place a Methadone clinic in a certain zone, in certain lots and blocks, (refer to page 2 of the ordinance).

Mrs. Breitwieser questioned where the lots and blocks are located.

Mr. Norieka stated there is no 1000 foot piece of property in the industrial area that does not touch residential property.

Mr. Borelli asked why we can't just establish with the ordinance that the Methadone Clinic shall be a prohibited use in any zone.

Mr. Russo thinks it is a constitutional issue and can not be stated as such. On the first page is the definition of a Methadone Clinic. If a Methadone Clinic has to go somewhere it will go along Route 17.

Mrs. Fiduccia stated there is 2 ordinances in the works – this one establishing were the clinic can be put and the second ordinance will be more specific as to rules and regulations of the establishment.

Mr. Borelli stated this is a good thing.

Mr. Russo wants to make sure the lot and blocks are along Route 17 by Marty Shoes and the car wash, and then the board is ok with it.

Motion to authorize Mr. Russo to write a letter to the Mayor and Council recommending they adopt the ordinance with the corrections made by Mr. Pessolano. Motion to write the letter by Mr. Palumbo and a second by Mr. Carrasco all members present voted in favor of the motion.

#### **Resolutions:**

Mr. Russo stated the resolutions for Budlee Fabrics and Triple 7 Cellular need to be approved.

There was an issue from Mr. Palumbo regarding Budlee Fabrics with a sign stating open to the public, this was suppose to be a warehouse/distribution only. The trucks are still backing in. Mr. Palumbo stated that if they are open to the public he feels that the parking spaces again will be an issue.

Mr. Borelli stated the parking spaces are there, there is nothing that can be done, and it is what it is.

Budlee Fabrics resolution will be carried to the February 11, 2009 meeting and Mr. Russo will ask the applicant to come to the meeting.

Triple 7 Cellular resolution motion by Mr. Palumbo seconded by Mr. Carrasco all those present with the exception of Mrs. Fiduccia who abstained, voted in favor of the resolution.

#### **Old Business:**

There was a discussion regarding the property on Avenue E selling used cars.

There was a discussion about Sleepy's having a sign up to lease the second floor of the building.

There was a motion to adjourn.

Respectfully submitted,  
Marlene Muska

