

Lodi Planning Board
November 12, 2008
Minutes

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

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

Mr. Vakharia arrived at 7:15 p.m.

Also Present: Mr. Joseph Russo – Attorney
Ms. Jessica Gorganne – Planner
Mr. Thomas Solfaro – Engineer
Mrs. Marlene Muska – Secretary

Members Absent: Mrs. Fiduccia
Mr. Luna

Prior to the initial meeting Mr. Melfi the Zoning Official spoke to the board and members of the audience regarding the New Site Planner Waiver Application. This application will be used for permitted use areas, change in ownership or change in tenant. It will allow members of the Planning Board to visit the application site prior to the meetings and advise the applicant what the board would like to see done to the property. There will be an application fee and an escrow account set up for the applicant. There will be a 90 day time period for work to be completed with a 30 day extension if necessary providing work is already started and near completion. If work is not complete the zoning official will revoke the Certificate of Occupancy. This process will concur with ordinance 89-14. Mr. Melfi stated this is a work in process and as long as this is a permitted use and a continuation of a non-conforming use this should be a simple process. No one from the audience wished to ask Mr. Melfi any questions regarding this new application. There was no one from the board with any questions either.

Application: 070108P Montana Holding Company
47 South Main Street
Block 37 Lots 16-19

The attorney for this application is Jack Dineen this application is for A Site Plan Waiver and the first witness Mr. Dinien called up is Pam Muscarro an owner of Montana Holding and the principal owner of Alliance Physical Therapy.

Mrs. Muscarro stated the working hours for the office will be 8 a.m. to 8 p.m. Monday, Wednesday, and Fridays. This facility will employ 2-1/2 people – 1 administrator – 1 physical therapist and 1 occupational therapist on a part time basis. There is approximately 3000 square

feet of space which includes 4 rooms – 2 bathrooms – and a reception area. Exhibit A1 was submitted which collectively included 23 various pictures of the outside and inside of the building.

Robert Weissman the engineer for the applicant submitted exhibit A2 which was a site plan created by Mr. Weissman dated 4/23/08 and revised 11/7/08. Also submitted was exhibit A3 a survey dated 7/24/07. There is an existing non-conformity on the site plan pertaining to rear and side yard set backs and lot coverage. The impervious lot coverage was 98.5% and will now be 93%, as per the Planning Board's Planner and Engineers request as to have additional landscaping on the site.

Mr. Weissman stated the property was contaminated and Mr. Muscarro made sure the site was cleaned and secured the necessary paperwork Exhibit A4 is a letter from Lasko Engineering stated the site is clean. Mr. Russo questioned if a NFA letter from the DEP was received and the applicant does have a letter on file. When the property was purchased there were no curb cuts along the property, the applicant now has curb cuts in place. There will be no hazardous waste from the facility mostly paper and will be removed by the cleaning service daily.

Mr. Palumbo questions the handicap parking and entrance way.

Mr. Russo asked since this is a county road if we can get a no interest letter from the county.

Mr. Borelli questioned the lighting and if the county would have an interest in the curb cuts they installed.

Ms. Gorganne questioned the handicap van accessibility and also the entrance.

Mr. Solfaro asked if it would be possible to relocate the handicap parking, but then the applicant would have to seek a variance.

Mr. Solfaro also questioned the drainage since the property is 98% paved, he was questioning the ponding in any area.

Mr. Weissman stated the property is approximately 10,000 square feet and 700 square feet of planting will be done. The applicant will provide a plan for Neglia Engineering to review.

Mr. Solfaro also questioned the parking stalls in front of the building.

The next witness for the applicant was Eileen Banyra the Planner. She stated the chain link fence on the property would be removed and replaced with stockade type fencing. She feels this will enhance the value of the building. Improvements to the site will also be the curbing. There will be no additional lighting or additional signage.

Ms. Gorganne questioned the entrance of the building and the front of the building having an egress only. She also questioned the employee parking.

There were no other questions from board members.

Mr. Jeff Moffitt of 1 Lincoln Place, whose property is east of the applicant, questioned the existing board on board fencing in front of his fence and asked the applicant if some the asphalt can be cut to make drainage not flow into his property. The applicant agreed. Mr. Moffitt also asked for planting to be done so the noise level will not be elevated to his property. There will be no real noise level and no hours of operation on the weekends. Mr. Moffitt stated the property never looked better and this can only be an improvement.

There was a motion by Mr. Carrasco and seconded by Mr. Vakharia to approve preliminary and site plan approval and stated a resolution to be made for the zoning official to issue a certificate of occupancy. All members in attendance voted in favor of the motion.

Application: Denise Richardson
495 Westminster Place
Block 74 – Lot 3

This application is for a Site Plan Waiver for the said property. Ms. Richardson would like to open a Guitar Repair and Internet Sales establishment. There is no physical improvements needed to be done on the site and parking really should not be an issue as the volume of people entering the store should be maybe one car at a time to drop off or pick up repaired guitars. Ms. Richardson plans to advertise in the phone book that is published in March.

Mr. Borelli questioned the Internet Sales and Ms. Richardson clarified that she will a webmaster and creates websites there will be no buying or selling of new or used computers.

There was no one from the audience that wished to be heard regarding this application.

There was a motion by Mr. Borelli seconded by Mr. Carrasco to approve the site plan waiver and stated a resolution be made for the zoning official to issue a certificate of occupancy. All members in attendance voted in favor of the motion. Mr. Russo advised the applicant that their temporary certificate of occupancy is valid until December 15th and our next meeting is December 10th so there should be no problem.

Application: Arndt Realty
399 Main Street
Block 130 Lot 32

This is a site planner waiver application the attorney for this application is Elaine Berkenwald. This is a non-conforming building it is a warehouse type building. Mr. Russo questioned if this is for three separate tenants and Ms. Berkenwald stated they have signed leases for two tenants at this time. The first witness for this application is Frank Wolfien the real estate agent for Mr. and Mrs. Arndt. Mr. Wolfien stated Budlee Fabrics would be one of the tenants in this building occupying approximately 7500 square feet of the building, they deal in textile in rolls. They would be using this building as a warehouse and storage for textile and fabrics. They would

have box truck and UPS truck deliveries and the tenant would employ approximately 3-4 people when deliveries would be made to the establishment.

Triple 7 Cell is a tenant which would rent approximately 5300 square feet of the building and would be used as a warehouse / distribution center for cell phone accessories. There would be a possibility to do some retail.

The property consists of approximately 32,000 square feet of warehousing which Dadds Bakery uses 6420 square feet – Scarsina Interior which occupies 3500 square feet Importex which occupies 5000 square feet of the building the proposed two tenants and a C.O. for Pathway to Health which uses 2500 square feet which is not in the building yet. There was no C.O. issued for the gym and they are no longer in the building.

There were concerns by many board members regarding the trailers that enter the various tenants in the building and how they enter the property.

Mr. Borelli asked why the tenants are not here to testify themselves. A real estate agent really does not know the day to day operations of each tenant.

Mr. Norieka stated there are tenants in that building and no one knows what goes on in that building, we don't know the hours of operation.

Mr. Russo stated this is a difficult application we are trying to do things right. There were maybe 10 or 20 C.O.'s for this building and we really don't know what's going on. So at this point this is how we are correcting this problem and you can not hold the applicants responsible for what went on in the past.

Mr. Arndt is the owner of the building and used it as a watch repair facility many years ago. He is aware this is not a retail building. It is basically a warehouse facility and he is concerned he is losing out because of the flooding situations on Main Street.

Ms. Berkenwald stated her client is willing to put up signs for the trucks and just asking the board to grant the C.O's to the two tenants.

Mr. Carrasco questioned the fact that neighbors complained about the trucks constantly running. Mrs. Arndt stated it was complaints more with the bar across the street, they have worked and are willing to work with the Senior Citizen Building next door, they let the seniors use the parking lot and she feels there really are no complaints made by the seniors regarding her tenants and or the building.

There were no more questions from the board members.

Mr. Louis Tuccillo 53 Spring Street – is it true the Housing Authority owns more property into the parking lot. The survey Mr. Russo is looking at does not show encroachment at all. Mr. Russo does not have any proof that this survey is incorrect.

There was a motion by Mr. Palumbo and a second by Mr. Ingenito to approve a Certificate of Occupancy for Budlee Fabrics and Triple 7 Cell. Pending the crafting of signage for the trucks by Mr. Solfaro.

Roll Call: Mr. Palumbo – yes
Mr. Ingenito – yes
Mrs. Breitwieser – yes
Mr. Vakharia – yes
Mr. Norieka – yes
Mr. Borelli – abstained
Mr. Carrasco – abstained

Mr. Russo will inform Mr. Melfi to issue a temporary C.O. until December 15, 2008 which will cover our next meeting which is December 10, 2008.

Application: Frank Paparozzi
500 Westminster Place
Block 130 Lot 32

This is an application for a Site Plan Waiver and an issuance of a Certificate of Occupancy for a Wash and Fold Service and an Ice Cream Parlor. This will be a drop off and pick up of laundry. There will be a non-bearing wall separating the two operations to basically hide the washing machines. There will be no improvements to the facility, just new signage. There is a total of 1800 square feet – 700 for the ice cream – 500 square feet for the wash and fold service and approximately 500 for storage. There are 2 bathrooms there now.

Mr. Russo asked if striping will be done. There is curbing on the side of the building along with bumpers for the tenants to park. The striping will be done within 30 days of completion of the construction weather permitting.

Mr. Palumbo questioned the parking for the tenants will stay the same Mr. Paparozzi agreed weather permitting.

There was a motion by Mr. Vakharia and a second by Mr. Ingenito to approve the site plan waiver and state a resolution be made for the zoning official to grant the Certificate of Occupancy for the Wash and Fold Service / Ice Cream Parlor. All members in attendance voted in favor of the motion.

Application: 092608P M. Habingreither
35 James Street
Block 94 – Lot 12

This is an application for a proposed sub-division of a 148 X 100 foot lot. Mr. Louis Mangano the attorney for the applicant stated they would like to sub-divide the property with a 75 x 100 conforming lot this lot will not be built on by my client and a 73 X 100 size lot which will conform to a 1 family dwelling which exists on the site already. There will be a 75 foot front on one lot and a 73 foot front on the other lot. .

We are looking at something that is variance free as all the variances are preexisting.

Mr. Paparozzi is the engineer for the applicant and submitted exhibit A1 the plan for a minor sub division dated 7/11/08. The homes in the area basically all 2 family homes it is a R2 zone. There are 13 homes – 11 of which are 2 family homes. The subdivision will be more conforming with the Boro's Master Plan and from the planning point of view will still be one of the largest lots in the area. The one family home conforms now to the 1 family zoning requirements. The 2 family home also conforms except for the front yard set back. The owner is just sub-dividing and there really is no problem with the sub-division. If in the future when the lot will be built upon the applicant whoever it is will have to come before the zoning board.

Mrs. Habingreither agreed with the testimony given by Mr. Paparozzi

There was a motion to approve the sub-division by Mr. Borelli and seconded by Mr. Carrasco all members in attendance voted in favor of the motion.

There was a motion by Mrs. Breitwieser and seconded by Mr. Carrasco to accept the minutes of the October 8, 2008 meeting. All members in attendance with the exception of Mr. Vakharia who abstained voted in favor of the motion.

Motion to adjourn.

Respectfully submitted,

Marlene Muska