

Lodi Planning Board
Minutes
June 9, 2010

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

The following dates are for the Planning Board Meetings:

July 14, 2010, August 11, 2010, September 8, 2010, October 13, 2010, November 10, 2010, December 8, 2010, January 12, 2011, February 9, 2011, March 9, 2011, April 13, 2011, May 11, 2011, June 8, 2011

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

Also Present: Planning Board Attorney Joseph Russo
 Planning Board Secretary Marlene Muska
 Planning Board Engineer William Stimmel
 Planning Board Planner Gary Paparozzi

Members Absent: Mr. Vakharia

There was a motion by Mr. Ingenito, seconded by Mrs. Breitwieser to approve the minutes of the May 12, 2010 meeting. All members present voted in favor of the motion with the exception of Mr. Borelli who abstained.

Application: 052710P
 Chapanon Beauty
 53 South Main Street

This is an application for a site plan waiver and certificate of occupancy. The property owner William Nunno along with Elizabeth Chapanon, the tenant was present.

Mr. Nunno stated this property is approximately 900 square feet and is vacant at this time; it was previously used by a personnel trainer. There will be three employees and there will be a total of four chairs in the building.

Ms. Chapanon stated the hours of operation will be Monday through Saturday 10 a.m. to 7 p.m. they will be closed on Sunday.

Mr. Nunno stated there will be no exterior renovations, there will be renovations done to the inside of the building.

Mr. Nunno stated there are two tenants on the site and they share ten parking spaces. She is the second tenant.

Ms. Chapanon stated this is just a hair salon.

Mr. Wanco questioned if a designated handicap space is there.

Mr. Nunno stated there is not.

Mr. Paparozzi stated the borough requirement is one for every five spaces up to fifty – ADA Compliant you may lose two spaces putting the handicap space in. Mr. Paparozzi stated he only had a hand drawing and can't really tell what the size of the spaces are.

Mr. Nunno stated the building has been there for eighty years and used as retail for the past twenty.

Mr. Paparozzi stated I don't think you can put 10 spaces – according to the 1992 survey the two spaces on the side is 7 feet off the building they do not conform. If you remove those two spaces you have eight – you make one handicap you will have six. The board knows the property is what it is.

Mr. Russo stated the requirement is you need one space and Mr. Nunno is willing to put it in.

Mr. Russo advised Mr. Nunno he has thirty days from the memorializing of the resolution to do this.

There were no other questions from any board members.

There was no one in the audience for or against this application.

There was a motion by Mrs. Fiduccia, seconded by Mr. Borelli to approve the site plan waiver and certificate of occupancy. All members present voted in favor of the motion.

Application: 021610P
Nandha Petroleum
490 North Main Street

This is an application for a site plan waiver and certificate of occupancy. The attorney for this application, Frank Luciano along with Harjinder Singh the applicant and Hagop Manjikian the property owner are present.

Mr. Luciano stated Mr. Singh will be operating the gas pumps at this location. There will be one employee. There is no on site parking, there is a lease agreement between Mr. Singh and the owner to lease 2 pumps. There will be no renovations and no change to the existing signage.

Mr. Borelli questioned if there will be the sale of any other merchandise.

Mr. Singh said they will sell cigarettes.

There were no other questions from the board.

There was no one from the audience for or against the application.

There was a motion by Mr. Borelli, seconded by Mr. Carrasco to approve the site plan waiver and certificate of occupancy. All members present voted in favor of the motion with the exception of Mr. Norieka who abstained.

Application: 052110P
Spec Brothers LLC
116 South Main Street

This is an application for a site plan waiver and certificate of occupancy. The attorney for this application John Baldino and the property owner Richard Banca were present.

Mr. Baldino stated the space is currently vacant, and has been for approximately 3-4 months, the space is approximately 2300 square feet. The property owner has entered into a lease with Spec Brothers. This business restores magnetic tapes. There will be approximately 6-8 employees it will vary; their office is located across the street. There will be no exterior renovations, and no signage. The hours of operation will be Monday through Friday 10 a.m. to 6 p.m. There are approximately 40 parking spaces on the site. There is sufficient parking for the tenants. There are approximately 6 tenants within the building.

Mr. Wanco questioned if the parking lot can be striped. It would also require a fire lane and a handicap space, as the other tenants do have walk ins enter their place of business.

Mr. Palumbo questioned if the other businesses are open to the public, and now there are six tenants are there anymore vacancies in the building?

There was a discussion regarding the new site plan ordinance that the council adopted – Ordinance Number 87-15, between Mr. Baldino, Mr. Norieka, Mr. Russo, Mr. Banca and Mr. Paparozzi.

Mr. Wanco questioned if there will be any hazardous chemicals stored in the building? No.

There were no other questions from any board membe3rs.

There was no one from the audience wishing to be heard for or against this application.

Mr. Russo stated to Mr. Banca he will have 90 days from today to stripe the lot.

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: 052010P
Kulka Inc
441 Passaic Avenue

This is an application for a site plan waiver and certificate of occupancy. The attorney for this application Henry Walentowicz, along with Sue Hee Cho the tenant and the property owner Valerie Klyszcz are present. This application is for a nail salon, this property has been a nail salon for years. The space is approximately 1200 square feet. There will be no exterior renovations to the property. The hours of operation will be 9:30 a.m. to 7:00 p.m. Monday through Saturday. The salon will be closed on Sunday. There will be one full time employee and one part time employee in addition to Ms. Cho.

Mr. Wanco questioned is she taking over the business? She is there already according to the inspectors – she is there. Where is the parking, I see nothing striped. We don't know how many legal spaces there. There is no handicap space. I do believe we should have some sort of drawing showing the parking spaces.

Mr. Paparozzi stated only if there is 5 spaces – if there is 4 spaces then a handicap space is not required.

Mr. Wanco stated there is a side by side business at the location, the nail salon and a construction company, along with the residential on the second floor of the building.

Mr. Paparozzi stated in the borough records that trace back to 1974 there was only a beauty salon at that location, along with the residential on the second floor.

Mr. Walentowicz stated the different types of businesses that have been there.

Mr. Paparozzi stated we should find out what is actually there and if the second business has a certificate of occupancy.

Mr. Russo stated looking at the map whatever the use triggers; they might not be able to provide five parking spaces.

Mr. Borelli stated the second business might trigger a use variance.

Mr. Wanco stated the second use is registered with the Fire Prevention. He asked if this application was strictly a nail salon – no massage therapy. Mr. Wanco stated the construction company has its office there.

There was a discussion between Mr. Borelli, Mr. Wanco, Mr. Paparozzi, and Mr. Russo as to what is permitted in that zone.

Mr. Russo stated if the owner can stripe whatever number of spaces you can. It doesn't look like you will be getting 5 spaces so there is no handicap space required. Clients come in by appointment only.

There were no other questions from the board members.

There was no one from the audience for or against this application.

Mr. Russo stated the motion is for a site plan waiver and certificate of occupancy, the owner has to do the appropriate striping, and Mr. Paparozzi and someone else from the borough will determine the second business if it is a permitted use. If not that can be handled later.

Mr. Wanco stated can you try to keep the parking away from the steps leading to the apartments, maybe even stripe it a fire lane.

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

Application: 052810P
EMN Fresh Grove

There was no one in the audience for this application.

There was a five minute recess

Roll Call:

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

Also Present: Planning Board Attorney Joseph Russo
Planning Board Secretary Marlene Muska
Planning Board Engineer William Stimmel
Planning Board Planner Gary Paparozzi

Members Absent: Mr. Vakharia

Application: 043010P
Window Gallery
195 Route 46

The attorney for this site plan waiver and certificate of occupancy is Frank P. Luciano, the applicant is Fathy Elzahy who is also present. Mr. Luciano stated there were problems with the site as per Mr. Paparozzi's report. Mr. Russo stated that really doesn't have anything to do with the application.

Mr. Luciano presented the following exhibits:

A1 - Site/Building Alteration Drawings prepared by Mader, Smyth and Buyyounouski Assoc. dated 6/21/06 approved by the borough of Lodi 8/14/08.

A2 - Neglia letter to Modern Propane dated 5/12/08

Mr. Norieka stated before we get into this the building is 100% better - Mr. Norieka stated there was approval from the D.O.T.

Mr. Luciano stated he just wanted to let the board know his client is not side stepping the resolution.

Mr. Russo stated maybe we can resolve some of the issues - the dumpster....

Mr. Luciano stated if we enclose the dumpster we will be in violation of the resolution dated 4/9/08.

Mr. Stimmel stated there was a misunderstanding between Mr. Paporozzi and himself regarding the revised plans. If you can just move the dumpster to another spot and label it employee parking.

Mr. Luciano stated the platform is already there. It will cause a hardship - July 2009 was the dumpster ordinance.

Mr. Russo asked the board if they are ok with the owner losing one space and revise the plans.

Mr. Luciano stated that would be an expense to revise the plans to put a fence around the dumpster. If we can agree that we lose one space - put in the resolution that we lose one spot to put the fence up enclose the dumpster to comply with the July 2009 ordinance, and resolve the fact that we will lose one space.

Mr. Borelli stated this should be noted on the plans. The code official looks at the plans not necessarily the resolution.

Mr. Luciano stated his is going to ask for a waiver to fence in the dumpster then.

Mr. Russo asked if we can attach a letter to the plans.

Mr. Paporozzi stated Neglia Engineering does not have the revised plan - his plan shows 44 spaces you stated you have 45 spaces.

Mr. Stimmel stated the site inspection - the plan that was reviewed.

Mr. Luciano stated he would like to get back to this application - we will bring the parking spaces back down to 44, now with the dumpster, we will lose one space and will be in violation of the 4/9/08 resolution.

Mr. Paporozzi stated again Neglia has the file - there is nothing in the borough's file.

Mr. Stimmel stated there are concerns....

Mr. Luciano stated this application is for 14600 square feet to display and sell windows. I can not comment on the other issues that has nothing to do with this application or my client. Again, this is a site plan waiver and certificate of occupancy application.

Mr. Paparozzi stated he made 2 site inspections - the site for the most part has been in compliant there are two issues - the dumpster that the board can vote on and the handicap parking, Mr. Paparozzi stated he doesn't think the board can reduce the ADA regulations to make the spaces non compliant. There was a variance granted to use a five foot buffer. ADA requires 8 feet - the applicant only needs 1 space if he removes 1 handicap space he will be in compliance.

Mr. Russo stated lets see if we can resolve his now and see if they will remove one handicap space.

Mr. Luciano stated they will remove one handicap space and will now be in compliance but will be in violation.

Mr. Russo stated you have 45 spaces - remove the handicap you are down to 44 - if you enclose the dumpster you are down to 43 spaces.

Mr. Paparozzi stated the soffet built on Savoie Street....

Mr. Luciano stated this is where the borough should be policing these issues.

There was a discussion regarding the zoning officer and the resolutions that are granted and actual Certificate of Occupancy.

Mr. Luciano submitted exhibit A3 - Lapatka Assoc. survey dated 7/27/06 that shows the soffet existed, if you look at the plans. The soffet existed in the as built survey also.

There was a discussion regarding the soffet between Mr. Luciano, Mr. Paparozzi and Mr. Norieka.

Mr. Russo stated Mr. Paparozzi stated there is encroachment on borough property and it should stay. With the chatter from the board the dumpster can be enclosed and you will lose one space, remove one handicap sapce to comply with the ADA regulations.

Mr. Luciano stated you will have to amend the resolution to state it is 43 parking spaces.

Mr. Russo asked for testimony from the tenant.

Mr. Fathy Elzahy stated he will be selling windows and doors - he is in a lease agreement with the property owner. There will be no manufacturing done on the site. There is no parking in the front of the building for the employees. There will be 1 employee, possibly 2 if business strives. This will be a showroom for windows and doors. Hours of operation will be Monday through Saturday 8 to p.m. and if business gets busy the applicant will comply with the borough ordinance for the hours of operation. Also submitted for evidence is exhibit A4 - the lease agreement and A5 - the rider to the lease agreement.

There were no questions from the board.

There was no one from the audience wishing to speak for or against the application.

There was a motion by Mr. Carrasco, seconded by Mr. Borelli to approve the site plan waiver and certificate of occupancy. All members present voted in favor of the motion.

Application: 042310P
Wafta Properties LLC
25 Union Street

Mr. Russo stated this is a continuation from the last meeting.

The attorney for this application is Frank T. Luciano - previously discussed was the character of the neighborhood, the hours of operation, the nature of the current use and the nature of the proposed use. We are now back with professional testimony. There are a number of developments in the case that need to be explained. The cost of the structure for the residential components is beyond my clients means, therefore he will abandon the residential components of the application. New plans were hand delivered on May 27, 2010. Second, Mr. Luciano wrote to Mr. Spinella regarding the property behind the subject property. Mr. Spinella stated in checking with Mr. Reggio that the property is not subject to abandon road bed. This is inconsistent with my finds and I have not had the opportunity to send my findings on to Mr. Spinella. Finally, the drawings show a 20 foot sign, orally we would like to change the sign to be 10 feet.

Mr. Luciano stated he would like exhibits marked into evidence.

Mr. Russo stated we already have the following in evidence.

A1 - Letter to county

A2 - Site Plan

A3 - Architectural Drawings

The new exhibits are:

A4 - Amended site plan from GB Engineering dated 3/15/10 revised 5/21/10

A5 - Revised architectural plans by Chudzinski revised 5/20/10

Mr. Luciano presented Thomas Stearns. Mr. Stearns revised the site plan presented to the board.

Mr. Stearns stated they are removing 40 X 73 square feet of the existing building, which is approximately 2900 square feet. Total provided parking will be 17 spaces in the lot and 2 spaces in the existing storage garage making a total of 19 spaces. There is 5000 square feet of retail space which requires 20 parking spaces and there is 4466 square feet of storage space which requires 1 space. We are asking for a variance for the number of parking spaces. The other variances are the sign, the sign shows 20 feet height we asked for a verbal change to 10 feet and the permitted height is 5 feet.

Mr. Luciano questioned Mr. Stearns regarding paragraph 5, 6, 7 and 9 of Mr. Paparozzi's report.

Mr. Stearns stated the dumpster will be at grade level which is 26.75 - there will be a block wall so it will be its own structure. Mr. Stearns provided detail signage, the lighting is shown on the second sheet of the site plan, the front of the building is the only place for planting. A DEP approval will be required - this should not be a problem - for the stream encroachment.

Mr. Paparozzi stated there was a miscommunication between Mr. Luciano and Mr. Paparozzi that is why Mr. Luciano received my report today via fax. Some of the problems stated in the May 3rd report have now been corrected. As per my report dated June 7.....

There was a discussion regarding the dumpster.

Mr. Luciano requested a five minute recess.

Roll Call:

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

Also Present: Planning Board Attorney Joseph Russo
 Planning Board Secretary Marlene Muska
 Planning Board Engineer William Stimmel
 Planning Board Planner Gary Paparozzi

Members Absent: Mr. Vakharia

Mr. Luciano stated in response to the question prior to the break the location of the dumpster would like to be placed in the parking space on the northernly side and would increase the parking inside the building from 2 to 3 spaces. The variance would still be required because it is still within 5 feet of the building. There were no other issues in Mr. Paparozzi's report that needs to be discussed.

Mr. Stearn stated the only other variance not shown in the plans are the aisle width which requires 24 feet and we are showing 20.38 feet.

Mr. Palumbo questioned the dumpster is now going to be the last space, will it effect the slope the grade of the property.

Mr. Luciano stated the concern was the moveability of the cars.

Mr. Stearn states it is a reasonable slope it is over 37 feet – which is approximately 2.7% it will be sufficient.

Mr. Stimmel stated the guard rail be in place, but seeing how the dumpster will be placed there the guard rail won't be necessary. The applicant might want to put the guard rail along the next space.

Mr. Carrasco questioned the overhead doors on the southeast side there³ was a J & J Tire Truck blocking the entrance way and down further towards the brook there was a Royal Truck. Mr. Carrasco stated wasn't there a discussion that no trucks were allowed there.

Mr.Zaal, the owner of Walfa Properties, stated this is only temporary until the project is done, the trucks will only be there until August.

Mr. Palumbo stated that is American Legion property and they were suppose to abolish all ties with the people using the property.

There was a discussion regarding the American Legion resolution and the property.

Mr. Zaal again stated that will be done in August when the tenant leaves.

Mr. Luciano stated they will instruct the tenant not to use the property any longer.

Mr.Luciano will look into the American Legion Resolution.

Mr. Luciano stated the entire building is sprinklered.

Mr. Wanco stated the fire connection – is placed where the landscaping is. Please do not block the connection. Keep it in view.

Mr. Stimmel questioned if the applicant is willing to address the outstanding documents.

A copy of the survey that the site plan was based on.

A copy of the access agreement – but that seems to no longer be applicable.

A copy of the correspondence with the DEP

The applicant will televise the sanitary lateral and provide it to Neglia Engineering.

Mr. Luciano stated they will provide all the necessary documents.

Mr. Luciano stated the planner was not needed, the landowner abandoned 2900 square feet of useful building – increased the parking from 7 spaces to 19 spaces and will enhance the current building. The negative criteria will be satisfied, the positive criteria if the board will accept the 2 C variances there is benefit to the public because of the things already addressed.

There were no other questions from the board members.

There was no one in the audience wishing to be heard for or against the application.

There was a motion by Mr. Ingenito, seconded by Mrs. Fiduccia.

Mr. Russo stated the following issues are conditions to the resolution:

Preliminary and final site plans

Variances:

Parking is 19 spaces – 21 are required

Signage is 10 feet – 5 feet is required

Dumpster enclosed within 5 feet of the building

Aisle width is 20.38 feet – 24 feet is required

There are 2 conditions:

DEP Stream encroachment permits

Subject to the Bergen County Planning Board approval

Mr. Luciano stated the back piece of property is really not an issue to the applicant, Mr. Luciano will provide Mr. Spinella proof of abandonment and his client is entitled to ½ of the space. Mr. Luciano stated however they are not using the space.

Mr. Papanozzi stated it is just a matter of correcting the deed – that property is not part of the application.

Mr. Borelli advised the bay doors should be eliminated and added as a condition to the resolution. Maybe when Mr. Luciano looks into the American Legion resolution he will understand the situation.

There was a discussion again regarding the American Legion meeting.

Mr. Russo stated he will include the 2 bay doors to be closed.

Mr. Wanco stated the egress door should remain open as an emergency door.

Mr. Wanco stated the dumpster must be 5 feet away from the building. You can solve the problem by extending a sprinkler over the dumpster if it can't be moved.

Mr. Russo summarized the conditions to the resolution again.

Again, there was a motion by Mr. Ingenito, seconded by Mrs. Fiduccia. All members voted in favor of the motion.

Resolution: 022110P
Condemi Motors
137 Route 46

Mr. Russo stated there was a difference of opinion between Gary and Paul, they agreed with the plans dated the last revision of 5/27/10.

Mr. Papanozzi stated there will be 30 inventory, 5 customer and 2 employee spaces all 9 X 18 this will include 1 handicap space.

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

Resolution: 031910P
STC Logistics
22 Essex Street

Mr. Russo stated the conditions to the resolution: approval from Fire Prevention – the driveway striped 30 days from the resolution with a fire lane – the handicap space and to enclose the dumpster.

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

Old Business:

Mr. Russo advised the board members he has not heard anything regarding the Farnham Avenue case. As soon as he hears he will notify the board members.

Mr. Carrasco questioned if the code official notified Mr. Enea that the building has to come down.

Mr. Russo stated the second letter he sent to Mr. Lavin, he received and he believes Mr. Enea was now notified.

There was a discussion regarding the procedures of the zoning inspector and the building inspector and if things were not in compliance when they eventually come back to the board we will get better control of any situation.

There was a motion to adjourn by Mr. Borelli.

Respectfully submitted,

Marlene Muska

