

Lodi Planning Board  
Minutes  
November 11, 2009

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

Members Present: Mr. Borelli  
Mrs. Breitwieser  
Mr. Vakharia – arrived 7:25 p.m.  
Mrs. Fiduccia  
Mr. Ingenito  
Mr. Palumbo  
Mr. Norieka

Also Present: Planning Board Attorney Joseph Russo  
Planning Board Planner Gary Paparozzi  
Planning Board Engineer Thomas Solfaro  
Planning Board Secretary Marlene Muska

Members Absent: Mr. Carrasco  
Mr. Luna

**There was a problem with the tapes it seems when there was a recess the tape over taped the beginning of the meeting.**

The minutes submitted at this point were transcribed from the secretarial notes from the meeting.

There was a motion by Mrs. Breitwieser, seconded by Mr. Ingenito to approve the minutes of the October 14, 2009 meeting. All members present voted in favor of the motion.

Mr. Russo advised the board that Application 101909P – Pan Graphic – 339 Main Street – will be postponed to the December 9, 2009 meeting.

**Application:** 102909P  
All Star Softball and Baseball  
79 Main Street

This application is for a site plan waiver and certificate of occupancy for the above address. Mr. William Nunno is the property owner, and Ms. Leslie Valenti is the applicant. Ms. Valenti is seeking a certificate of occupancy to open a 1 on 1 softball – baseball training facility. The building is approximately 1700 square feet. The hours of operation will be between 3 – 3:15 to 8:30 p.m. Monday through Friday with some weekend hours. There will be no exterior renovations, and the interior of the building has netting, turf and mitts for the trainer and trainee. There are approximately 10 off street parking spaces which are shared by the other tenants, however parking should not be an issue as this is by appointment only and the previous tenant was a dance studio. The signage will be the same size as the dance studio.

There were no questions from any board members

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

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

**Application:** 090909P  
Essex Service Station LLC  
Hess Group  
110 Essex Street

This application is for a site plan waiver and certificate of occupancy for the above address. Mr. Frank Luciano the attorney for the applicant along with the applicant's representative, Sevan Menekse was present.

Mr. Menekse stated he is the owner of Essex Service Station LLC and he plans to continue to use this property as a Hess Gas Station and Convenience Store. This property has been a gas station since 1962, and the convenience store has been there for approximately 10 years. Mr. Menekse stated there will be no changes to the interior or exterior of the building, the hours of operation will remain the same 7 days a week 24 hours a day and the only change will be in the ownership of the business.

There were no questions from any board members

There was no one from the public wishing to be heard for or against the application

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

**Application:** 110209P  
Ahlam Najjar  
Seher Al Sharq Café LLC  
220 Garibaldi Avenue

This application is for a site plan waiver and certificate of occupancy for the above address.

Mr. Russo advised the applicant that the board members feel that a restaurant is not a permitted use in the I-LI Zone, which the property is located in. There might be an issue of abandonment.

Mr. Paporozzi stated he feels a site plan should be submitted, the lot in question is approximately 4 acres, with 3 buildings located on it. Two of the buildings are large commercial structures, as parking can be an issue on Garibaldi Avenue with only 1 side of the street available for parking and the residential district is less than 200 feet away. The ordinance 195.11 reads "with well laid-out buildings, off street parking and loading areas, and landscaped open space". Mr.

Paparozzi stated in 4 acres there is no landscaping on the entire site. Landscaping is an issue that can also be addressed in a site plan. Loading areas should also be provided with a business that will be opened 7 days a week approximately 15 hours a day again that can be addressed in a site plan. Mr. Paparozzi stated in the past this was a “social club.”

Mr. Neil Doornhern’s family has owned the café/restaurant for approximately 22 years. He can’t define a “social club”. It was open to the public, has a full kitchen and had a menu type service.

Mr. Borelli asked if someone can define restaurant.

The board members are not disputing what the applicant is proposing.

The board members feel this matter should go to the Zoning Board of Adjustments for a use variance.

Mr. Russo will send a letter to the building department explaining the board’s findings.

**Application:** 100709P  
The Rebar Group LLC  
The Thirsty Toad  
132 Essex Street

Mr. Edward Bortz is the attorney representing The Rebar Group. This application is for preliminary and final sit plan approval and variances pertaining to the construction of an addition and other improvements to the Thirsty Toad.

The variances are for rear yard setback, side yard setbacks and lot coverage, along with parking. There shall be a maximum seating of 70 seats, 58 seats inside and 12 seats outside.

Mr. Bortz called the first witness, Ralph Rosenberg the architect.

Mr. Rosenberg submitted the following exhibits:

A1 – Three photos of the Thirsty Toad

A2 – Proposed Floor Plan and Elevation dated 9/24/09  
Exhibit A2 shows updating the kitchen and serving area, slight renovations to be done to the dining room and bar.

A3 – Site Plan dated 10/1/09 it is a colored version the drawing is marked C-03

A4 – Lighting and Landscaping Plan dated 10/1/09 and it is drawing number C-05

Mr. Rosenberg discussed the “shared” parking in the back of the building.

Mr. Paparozzi questioned the number of seats – 50 dining – 18 bar stools – 12 outside that is 80 seats not the 70 seats stated above. Mr. Paparozzi was questioning the additional 10 seats.

**The tape resumed at this time.....**

Mr. Palumbo questioned the deck – it is 180 square feet – there will be no tables and chairs on the deck and it will have a private staircase for storage and employee managers.

There were no other questions from any board members.

Mr. Russo questioned the back access is it abandoned. It will never be used, it is closed off. It is basically a walkway.

There was no one in the audience that wished to question Mr. Rosenberg.

Mr. Bortz called the next witness, Mr. Michael Dipple the engineer.

Mr. Dipple referred to exhibit A3 and stated the variances that will be required.

The side yard set back 15 feet total is required, they are proposing 1.37 feet on the left side and 2 feet on the right side making a total of 3.37 feet.

The lot coverage is approximately 81% including the overhang where the requirement is 45%

The rear yard set back 20 feet is required, they are proposing 2.90 feet.

The parking lot is a municipal parking lot and he reference a letter from Mr. Luciano dated 6/4/09, this is a shared lot and there are 27 spaces.

Mr. Dipple stated the plans show seating for 68 inside that will be reduced, they will have 40 dining, 18 bar stools and 12 outside, making the total seating capacity of 70.

Mr. Paparozzi stated with the additional tables there should be a required 4 more parking spaces.

Mr. Dipple stated the lawn space in from where the asphalt was there will be a 33% decrease in the pervious area. The lighting fixtures will be mounted

The fence will be removed and some wooden fence (possibly something nicer) would be used for the trash containers.

Mr. Norieka stated the deck originally was used by the previous owner to go out and just have a cigarette and come back into the establishment.

Mr. Solfaro questioned the 3 sets of doors approximately 7-1/2 feet and 13 feet trash enclosure and the offset from the building jobs in the back approximately 5.4 inches. He also questioned the dumpster/containers along the back of the building.

Mr. Bortz stated the establishment will not be using dumpsters, they will be using trash containers and that is why they really are not following the dumpster ordinance. They will be using barrels.

Mr. Solfaro stated they would have the room if they made the building smaller.

Mr. Solfaro questioned the drainage in the front and side of the building; it runs right to the street, was there county approval.

Mr. Russo stated the county approval will be a condition of the resolution.

Mr. Solfaro questioned the lights and the foot elevation plan. Can one be submitted if the board approves this application? Is there any type of buffer?

They are proposing a solid screening – something that is tall and wide.

Mr. Russo questioned the asphalt; will it be some sort of paver? A brick paver.

Mr. Russo suggested that Tom review and advise the board of his approval of the pavers.

There were no other questions from the board members.

There was no one in the audience that wished to question Mr. Dipple.

Mr. Bortz then called his next witness, Mr. Nicholas Graviano, the planner

Mr. Graviano went over the side and rear set backs and the lot coverage variance. He went over the C2 variance requirements. He also stated the variances would promote sufficient interior space for the restaurant and making the building look more desirable. There will be no negative impact on the neighborhood; the renovations will substantially improve the building. In respect to the parking spaces the applicant's business does not interfere with the other businesses and their hours, so there should be no conflict with the sharing of the spaces.

Mr. Russo questioned the parking

Mr. Pappozzi stated he is holding to his calculations and the required number of parking spaces.

There were no questions from any board members.

There was no one from the audience that wished to question the planner.

The next witness is the applicant Mr. Steve Germano.

Mr. Germano stated the hours of operations will be the same as the Thirsty Toad. 70% of the business is dinner hour from 6 p.m. to closing. They will be open for lunch and will close at 2 a.m.

Mr. Palumbo stated there will be a lunch crowd and this is where the parking will become an issue.

Mr. Germano stated the seating capacity for the Thirsty Toad is 40-18-12 and we are looking for an additional 10. If the board will work with Mr. Germano he will stay at the capacity of 70 seats.

Number of employees will be the same as the Thirsty Toad.

Mr. Solfaro stated if the applicant is willing to stay with the number of seats being 70 the required number of parking spaces is 27.

Mr. Pappozzi stated if the board approves this application, there should be something in the resolution that the roof covered area can not be enclosed with screen or windows, and the previous application that was approved four months ago stated 12 chairs and 3 tables, now they are changing it to 12 chairs and 6 tables, the number of tables should be stated in the new resolution.

Mr. Russo questioned the board members if anyone had a problem with the additional tables.

Mr. Palumbo stated as long as the fire inspector states it is ok.

Mr. Palumbo also questioned that the patio will never be screened in and the answer was absolutely not.

Mr. Russo stated one outstanding issue was what did the board decide about the garbage.

Mr. Solfaro stated in their testimony the applicant will use roll out trash barrels.

There were no other questions from the board members.

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

Mr. Russo stated the motion will be for an amended site plan, preliminary and final site plan approval, together with a variance for rear yard setback, a variance for the combined side yard set back, and a variance for lot coverage. The conditions are subject to county approval, fire prevention approval, subject to Mr. Solfaro's review of the revised lighting and landscaping plan, the seating capacity of 70, and the seating outside will consist of 6 tables and 12 chairs.

There was a motion by Mr. Ingenito, seconded by Mr. Vakharia. All members present voted in favor of the motion.

Mr. Norieka stated he heard it was going to be a biker bar, and the second floor was going to be a dance hall. Mr. Bortz assured Mr. Norieka that that was not the case.

There was a five minute recess.

**Roll Call:**

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

Also Present: Planning Board Attorney Joseph Russo  
Planning Board Planner Gary Paparozzi  
Planning Board Engineer Thomas Solfaro  
Planning Board Secretary Marlene Muska

Members Absent: Mr. Carrasco  
Mr. Luna  
Mr. Vakharia – left at the recess

**Application:** 103009P  
Bultar Inc  
24 Vreeland Street

This application is for a site plan waiver and Certificate of Occupancy. The following people were present Illiadin Iotkov and Dimitar Kostavie the applicants and Emmanuel Tarabokija the property owner.

There are three units in the building and are listed as follows:

UNIT 2 – is an electrical contractor which has approximately 5-6 employees.

UNIT 3 – is a machine shop with 1 employee and there is no retail conducted at the machine shop.

UNIT 1 – is vacant and will be occupied by Bultar Inc – it is approximately 1400 square feet. Bultar Inc. is general contractors and they will basically use the unit mostly for storage. They will store machinery for the general contracting work. The company is based out of Queens, NY and they are applying for a N.J. License for contracting and need a place to store scaffolds, tools and carpentry stuff for the job site. There will be occasional light carpentry work done at the site, possibly trimming doors or cabinets. Most of the time the unit will be empty, approximately 60-70% of the month. There will be approximately 1-3 people at the unit, to pick up equipment, 30-40% of the month. There will be no external renovations to the building; the interior of the building had a metal door installed by the end of Unit 2. The walls are masonry walls that are fire proof that separates the units.

Mr. Borelli questioned if a permit was issued to install the metal door. There was no permit.

Mr. Paparozzi stated the application says storage only. The gentleman stated there will be doing some carpentry work at the site. Carpentry work is not permitted in the LIR Zone.

Mr. Russo asked if they will stipulate that no carpentry work will be done at the site.

Mr. Paparozzi read what is allowed in the LIR Zone, per the ordinance.

Mr. Palumbo questioned the three principal uses in a building.

Mr. Russo stated it is permissible as long as they are multiple permitted uses, as long as there is no real parking issue.

Mr. Norieka questioned how they load the trucks.

Mr. Palumbo questioned if anyone parks vehicles over night. No one in any unit parks overnight.

Mr. Norieka stated if you want to do the work in the building you are going to need a variance, and would have to go to the Zoning Board.

Mr. Russo read the definition of “manufacturing” as per the ordinance.

Mr. Borelli stated it is really not like to like – manufacturing is an assembly line. This is basically a custom carpentry type of work.

Mr. Solfaro stated carpentry work is usually listed separately, and if the applicant can obtain a written statement from the Zoning Officer stating carpentry is a permitted use then everything will be straighten out.

Mr. Russo stated he will write a letter and advise the zoning department what transpired here.

The board granted permission for the applicant to use the building as storage for an additional 30 days. This permission will expire on December 11, 2009.

#### **New Business:**

Mr. Russo advised the board that he received a letter regarding a new sign ordinance.

Mrs. Fiduccia stated the previous administration stated things were not suppose to be up against the windows in Shop-Rite and if you ride around Lodi there are many signs in the stores covering the windows.

Mrs. Fiduccia stated you are not supposed to cover more then 20% of the windows.

Mr. Russo advised the board to read it and we will discuss it at the December 9<sup>th</sup> meeting.

Mr. Palumbo mentioned the neon lights on buildings in residential areas.

Mr. Borelli mentioned streamers and real estate signs.

Mrs. Fiduccia questioned if Mr. Russo is working on a “new application” for the planning board.  
There was a motion to adjourn,

Respectfully submitted,

Marlene Muska