

Lodi Planning Board  
Minutes  
May 12, 2010

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

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

Mrs. Fiduccia arrived at 7:23 p.m.

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

Members Absent: Mr. Borelli  
Mr. Vakharia

Mr. Norieka questioned Mr. Russo if the board approved the minutes from the Master Plan Reexamination Report which was held March 24, 2010.

Mr. Russo stated yes the board approved those meetings at the last meeting.

There was a motion by Mr. Carrasco, seconded by Mr. Ingenito to approve the minutes of the April 14, 2010 meeting. All members voted in favor of the motion with the exception of Mrs. Breitwieser and Mr. Palumbo who abstained.

**Application:** 021610P  
Nandha Petroleum  
490 Main Street

Mr. Russo advised the applicant that since they are a corporation, an attorney needs to be present with them. The temporary Certificate of Occupancy will be carried over to the June 9<sup>th</sup> which is our next meeting date.

**Application:** 022110P  
Anthony Condemi  
137 Route 46 West

Mr. Norieka asked Mr. Paparozzi if he received the new plans from Mr. Condemi.

Mr. Paparozzi stated he did receive the plans this week, he just gave a copy of the plans to Mr. Russo and he dropped a set of plans off to the building department. There are six revisions on this plan, the original plan was dated 1/31/10 and it was revised up to 5/1/10. On the revision we asked that his table show the new requirements for the used car lots, the fire lane is in per the fire marshals request, all his spaces are now 9 X 18, the dumpster is enclosed, and he has a handicap space. What he was allowed was 23 spaces; he has 30 inventory spaces and 9 customer spaces.

Mr. Russo asked if Mr. Wanco had the opportunity to review the revised plans.

Mr. Wanco stated he did not see the revised plans.

The chair noted Mrs. Fiduccia arrived at the meeting at 7:23 p.m.

There was a discussion between Mr. Paparozzi and Mr. Wanco about the new plans.

Mr. Russo suggested this application be carried to the June 9<sup>th</sup> meeting, so Mr. Wanco can have time to discuss with Mr. Paparozzi the new plans.

Mr. Paparozzi stated the customer spaces are 6 spaces not 9 as Mr. Russo stated.

Mr. Paparozzi and Mr. Wanco are now discussing the alignment of the spaces.

Mr. Paparozzi stated the revised plan has the correct number of spaces, the customer spaces, the handicap spaces and they are all up to code. Mr. Paparozzi stated Mr. Wanco is just looking for a realignment of the spaces.

Mr. Russo stated there is a substantial improvement.

Mr. Paparozzi stated maybe they can realign the spaces in the evening.

Mr. Wanco stated what we told Mr. Condemni to do and what the plans are showing is totally different.

Mr. Russo stated he can see this was not going to be resolved this evening. The temporary Certificate of Occupancy will be extended to June 9<sup>th</sup>, along with the review of the new set of plans for this application.

**Application:** 031910P  
NYC Gourmet / STC Logistics Inc.  
22 Essex Street

Mr. Fred Roughgarden is the attorney representing the corporation; Mr. Hamedami is the sole shareholder of the corporation and the applicant for this application. Mr. Roughgarden stated this is a site plan waiver and certificate of occupancy application.

Mr. Hamedami purchased an existing pizza business on the site. I don't think he is proposing any changes on the site at all; we are just here to change ownership to reopen as it was a pizza/deli. The business was sold in February. The owner of the business is STC Logistics Inc., it is the corporate owner, the name NYC Gourmet may not be used, but for today for the application and the C.O. the applicant will use STC Logistics Inc. The prior use was a pizza/deli. The number of employees is 3 – 1 manager and 2 employees. The hours of operation will be Monday through Saturday 9 a.m. to 9 p.m. and on Sunday from 9 a.m. to 4 p.m. There will be no renovations to the exterior of the building at this time. There will only be cosmetic and internal renovations done at this time. The existing signage will remain other than the name change. It will comply with the borough's ordinance.

Mr. Roughgarden stated his client might be the only tenant at this time in the strip.

Mr. Russo questioned if there is a lease with the landlord and if the applicant has an assigned number of parking spaces available to him.

Mr. Roughgarden stated he himself counted 14 striped spaces – he stated he does not believe there is a designated handicap spot; however his client is not the landlord.

Mr. Wanco stated there is no designated handicap spot.

Mr. Russo stated that if the application is accepted that will be part of the resolution.

Mr. Papanozzi stated the borough ordinance states for every five spaces you need one handicap spot up to 50 spaces then you need more.

Mr. Roughgarden stated he will speak to the landlord.

Mr. Papanozzi questioned if the spaces are 9 X 18.

Mr. Roughgarden is not sure. He did not measure and this is all pre-existing.

Mr. Norieka asked if there were any questions from any board members.

Mr. Wanco stated the dumpster can not be against the building, and it should be shown on the site plan. The site plan is from 2003 do you have an updated site plan?

Mr. Hamedami stated he can move the dumpster to the rear of the building.

Mr. Wanco stated there is a fence around your backyard and it is only 15 feet wide. That will be very hard to get a dumpster in there.

Mr. Roughgarden stated he talked to the landlord – the landlord will cooperate with them. There is no other tenant and as far as the dumpster, they will comply with the ordinance. Doesn't the health department check the dumpster?

Mr. Wanco stated the Fire Prevention looks at the dumpster location and according to the ordinance the dumpster should be five feet away from the building.

Mr. Roughgarden will comply with all borough ordinances.

Mr. Wanco stated on the side of the building where there is an exit door, which will have to be striped "fire zone".

Mr. Russo questioned looking at the plan where are you talking about, Mr. Wanco?

Mr. Wanco stated where it is marked 50 feet.

Mr. Norieka asked if there were any more questions from the board.

Mr. Norieka asked if there was anyone in the audience for or against this application.

There was no one from the audience wishing to be heard.

Mr. Palumbo questioned if they will be serving food or will it just be take out.

Mr. Palumbo also questioned if the public will be using the restrooms going through the kitchen area.

Mr. Wanco questioned the ordinance with an outside eatery. He stated he saw a table and benches outside.

Mr. Russo stated that will impact the parking.

Mr. Roughgarden stated they do have 14 spaces available now.

Mr. Pappozzi stated he did not get the application. The survey is 7 years old and he did not inspect for the dumpster or the seating. If there were 5 seats and hi is setting up 10 seats you are expanding on a non-conforming use.

Mr. Russo questioned how many tables and chairs were in the existing place.

Mr. Hamedami stated there are 1 table and 2 seats – 2 tables with 4 seats and 1 table with 4 seats outside.

Mr. Russo stated so it is your testimony that you are not expanding the existing facility.

Mr. Hamedami stated he is not expanding.

Mr. Roughgarden stated he was the prior owners' lawyer and there have never been any problems that he is aware of.

Mr. Wanco stated he is not familiar with any violations either.

Mr. Russo stated for the record there are 3 tables – 1 outside with 16 seats.

Mr. Palumbo stated there is a vacant building next door.

Mr. Roughgarden stated yes.

There was a motion by Mr. Ingenito, seconded by Mr. Palumbo to approve the site plan waiver and certificate of occupancy with the following conditions:

They have to show a handicap parking space.

They have to show the no parking fire zone.

They have to enclose the dumpster and have it 5 feet away from the building.

Mr. Wanco questioned again will the dumpster be enclosed.

Mr. Russo stated it is an ordinance that the dumpsters must be enclosed.

All members present voted in favor of the motion.

**Application:** 043010P  
The Window Gallery Corporation  
195 Route 46

Mr. Russo advised the applicant that an attorney must be present because he is a corporation. The applicant questioned why does he need an attorney and why does he need to appear before the board.

Mr. Russo stated he needs an attorney because he is a corporation, and the applicant must be here before the board because he is changing tenants.

Mr. Pappozzi stated the application for this building was submitted in 2008, there was suppose to put in landscaping, they were to decrease the size of the sidewalk and the angular parking should have been striped. I am not sure if all the conditions to the 2008 resolution were met.

Mr. Russo stated they can ask the applicant and owner when the applicant comes back.

Mr. Russo stated it is a 5 or 10 minute hearing once you appear. You have a temporary Certificate of Occupancy.

Mr. Norieka questioned how you will be getting deliveries.

The applicant stated it will only be a showroom, there will be no deliveries.

The owner questioned if in fact the application states you must have an attorney if you are a corporation.

Mr. Russo stated he will check into it and make the necessary changes to the application if it is not noted.

This application will be carried to the June 9, 2010 meeting.

**Application:** 042310P  
Walfa Properties  
25 Union Street

The attorney for this application is Frank Luciano. The applicant is Walfa Properties LLC. Mr. Luciano submitted the mailing and advertisement was ok, however he did not notify the county.

Mr. Luciano did receive a letter from the county. Mr. Russo marked it as exhibit A-1.

Mr. Luciano stated they have an amended site plan. That he distributed to each member this evening.

Mr. Russo marked this exhibit A-2 Site Plan dated 5/7/10. Prepared by Thomas G. Stearns

Mr. Paparozzi questioned if the vacated street in the rear of the property is part of the property.

Mr. Paparozzi stated there can be two deeds. The architects plan and the site plan do not jive. If in fact you do not own the property you are proposing an entrance in the architects plan. The two plans are in conflict of each other.

Mr. Russo stated if your client does not own the property, who do you think owns the property.

Mr. Luciano stated he thinks the town owns the property. The next level of responsibility I have is to discuss this with the town officials.

Mr. Paparozzi stated if the town vacated it they must have given it to your client.

Mr. Russo stated at least half of it should have been given to your client if in fact the town did vacate it.

Mr. Russo stated lets assume you do not own it and the grid table you will fix the architects plan that your rear yard is zero.

Mr. Luciano stated Mr. Paparozzi stated there might be a need for a use variance. Mr. Luciano stated they adjusted the height of the building to be less then 10% therefore they will not need a use variance.

Mr. Luciano stated the property is in a C & R zone – the property was a retail and warehouse. The proposed property will be retail and residential. Therefore the 2<sup>nd</sup> floor use variance is not required. The applicant actually reduced the square footage of use. The applicant also increases the parking spaces. There are currently 9 spaces, they are proposing 21 spaces.

Mr. Luciano then discussed the P & M Surveying report dated May 3<sup>rd</sup>. He went over the general comments on Mr. Paporozzi's report.

Mr. Palumbo questioned the parking in the garage, and if the public will be able to use the garage as well.

Mr. Norieka stated there are 9 parking spaces and the fine line is coming down. It is misleading.

Mr. Luciano stated 5000 square feet are coming down. The existing foot print of the building is to the left.

Mr. Solfaro stated the proposed last 2 parking spaces on the print are actually 16 feet, because of the slope to be used to get into the garage. Mr. Solfaro would like to see a turning template for the move ability of the cars.

Mr. Luciano stated the reason the home is 3900 square feet is the applicant has 6 children.

Mr. Russo questioned if the applicant will be providing witnesses for this application.

Mr. Luciano stated he talked to his client.

Mr. Paporozzi stated Mr. Paporozzi and Mr. Solfaro need to see the revised site plan and architectural plans.

Mr. Luciano's client would have rather not had his witnesses, but at the 11<sup>th</sup> hour I could not get the witnesses to attend the meeting. I will discuss this again with my client.

Mr. A. Zaal is the owner of Walfa Properties; he has occupied the site for two years and owned the property for one year. Mr. Luciano and Mr. Zaal discussed the properties going from Main and Union Streets up to the American Legion and the other side of Union Street describing the residential side of the block.

Mr. Zaal told the board members he has 6 children ranging in age of 18-16-13-10-7-and 1. There are 4 girls and 2 boys. He will continue to operate the retail store and hopefully be able to reside in the apartment.

Mr. Luciano requested a five minute recess.

Roll Call:

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

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

Members Absent: Mr. Borelli  
Mr. Vakharia

Mr. Luciano stated he has discussed with his client the need for the witnesses to be present. Mr. Luciano requested if the board could or would voice some thoughts about the application.

Mr. Russo stated if all the members can have the plans prior to the next meeting.

Mr. Solfaro stated he would question if there will be any land use permits from the DEP, he would question the stream encroachment, or at least request a letter of no interest. He would like to see the location of the dumpster and the loading and unloading technique. He would request traffic circulation. He also questioned that Union Street is a county road – they would need to make an application to the county.

Mr. Russo stated any resolution will be subject to County approval.

Mr. Solfaro also stated the need for additional architectural plans to be at Neglia and P & M so they can have time to go over the plans before the next meeting. Mr. Solfaro would also like to see the grading, lighting and landscaping as stated were done – we would like to see it on the plans.

Mr. Paparozzi stated the two plans must coincide with each other – the steps should be removed, if you don't have rights to the ingress, egress easement by the American Legion you can not use it. The architect's plans should show the size of the property and zoning table should be correct. Also on the old architect's plans there were terraces and balconies are the roof covered? If they are somewhat enclosed that would change the square footage.

Mr. Norieka asked if any board members have any questions. No one from the audience was here for or against the application.

Mr. Russo stated there will be no additional notice required by the applicant this application will be carried to the June 9<sup>th</sup> meeting.

There was a discussion regarding past applications and their status.

Mr. Russo advised the board there are 2 resolutions that have to be memorialized.

Mr. Russo raised a question to Mr. Solfaro if a simple application comes before the board as same use to same use can we make the applicant, property owner, if they have 10 off street parking spaces can we make them put in a handicap space.

Mr. Solfaro stated yes, it is just like having a change of tenant come in and we request landscaping and what not.

Mr. Russo feels this can be done without the planning board.

Mr. Pappozzi stated if it is stated in the resolution – they have to do it that is why every time we get an application I would like to review their files to see if they have had any previous resolutions and if they comply with the previous resolutions.

**Resolution:** 040110P  
Francesca's Cleaners  
53 South Main Street

Mr. Russo stated he did overlook this application as far as the handicap parking space. He is sure Mr. Nunno will be back again, and we can request the handicap space on the property at that time.

Mr. Russo stated the resolution for Francesca's Cleaners requires a motion.

There was a motion by Mrs. Breitwieser, seconded by Mr. Carrasco. All members present voted in favor of the resolution.

**Resolution:** 021910P  
Shiv Gas  
206 Route 46

Mr. Russo stated there were a couple of conditions regarding this resolution. The dumpster location, they have 30 days after the resolution to strip the property and provide the minimal landscaping.

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

**Old Business:**

Mr. Russo advised the board there is still no decision regarding the lawsuit.

Mr. Wanco stated as a point of information the building on 70 Route 46 is still standing.

Mr. Russo advised the board he did send a letter to Mr. Lavin and he will give him a call and check on the status.

Mr. Palumbo questioned the amount of cars that were permitted on that lot.

Mr. Paparozzi stated there was no record – that is why he asked to see what they were going to put in there.

There was a discussion regarding this application.

There was a motion to adjourn.

Respectfully submitted,

Marlene Muska