

Lodi Planning Board
Minutes
September 9, 2009

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

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

Members Absent: Mr. Vakharia
 Mrs. Fiduccia
 Mr. Luna

There was a motion by Mr. Carrasco, seconded by Mr. Ingenito to approve the minutes of August 12, 2009, all members voted in favor of the motion with the exception of Mrs. Breitwieser who abstained.

Application: HBE
 100-14 Route 17 South

Mario Echevarria, is the tenant, who submitted an application for a Certificate of Occupancy for a marble business. The property is now vacant. The property is 1800 square feet attached to a larger structure. There will be no exterior or interior improvements done to the building. The type of business is to fabricate granite for counter top use. They will have truck deliveries of sheets of granite to be cut to fit. There will be 2 employees with the potential of 3-4 employees. They will rarely have customers stopping at the site it is basically used to cut the granite for orders. The hours of operation are from 7 a.m. to 5 or 6 p.m. Monday through Saturday. There are 3 dedicated spots that this application can use.

The property owner, Anthony Cardinelli consented to the application.

Mr. Carrasco questioned if they will be storing any granite outside the building. Everything will be kept in doors.

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

There was a motion by Mr. Ingenito, seconded by Mrs. Breitwieser to approve the Certificate of Occupancy, and Site Plan Waiver. All members present voted in favor of the motion.

Application: George Panagiotou
246 Union Street

The attorney for the applicant, Mr. Phil Toronto stated the property owner Mr. Vincent Cardazone, along with Mr. Panagiotou is present. The property is a mixed commercial / residential use since 1926. The building was a hardware store, butcher shop and a number of other uses since 1926. Mr. Panagiotou is an accountant. There is no planning to do any renovations or expansion to the building, Mr. Panagiotou did some interior renovations as far as window treatments, rug and painting. The applicant is requesting a Site Plan Waiver, Waiver of the Survey and Certificate of Occupancy.

Mr. Panagiotou the applicant was sworn in and stated the office space is approximately 18' X 32'. There will be approximately 2 part-time employees and himself as the full time person, only during tax season which will be from February 1st through April 15th, open 7 days a week. There will be no part-time employees after tax season. Mr. Panagiotou has been in the building since January 1st. There is no off street parking; however there are 5 parking spaces across the street which is available to the applicant.

Mr. Borelli noticed that there was no Certificate of Occupancy for a period of time.

Mr. Panagiotou did not realize he needed one and has applied for it now.

Mr. Borelli questioned the fact that there are 5 desks.

Mr. Panagiotou bought the furniture from the prior accountant in the building. However, he will only be using the 3 desks with computers to do the tax work, as you need a computer to do the taxes.

Mr. Palumbo questioned May 1st, would you be using the office space.

Mr. Panagiotou stated most of his work is done during February and April 15, or maybe having 15 extensions for whatever reason. The part-time employees are only there during the tax season of February through April.

Mr. Borelli questioned if Mr. Panagiotou's clients come to him or if he goes to them.

Mr. Panagiotou does both and if there are clients that come to him it is only one at a time.

There was no one from the audience that wished to be heard for or against the application.

There was a motion by Mr. Palumbo, seconded by Mr. Borelli to approve the Certificate of Occupancy and Site Plan Waiver. All members voted in favor of the application.

Mr. Russo reminded the board of the meeting on July 29th in which 2 aspects of the Master Plan was discussed, The Circulation Plan, which was since adopted and the Sustainability Plan. There were changes that needed to be made by Mr. Pessolano regarding the Sustainability Plan, and he has now revised the Sustainability Plan and hopes it will be adopted this evening.

Mr. Michael Pessolano from H2M presented to the board the Land Use & Circulation document dated August 2009. There are reasonable approaches in the document for the borough to consider in moving forward. The borough has filed an application with the DEP to seek grant funding for helping to reduce greenhouse gas emissions. The borough poised to actually participate well in that competitively because as it has recently done a Land Use & Circulation Plan, it is about to adopt a Sustainability Plan Element. Very few communities have that. The borough is also positioned as a Municipal Aid Community, which ranks the borough slightly higher than others.

Mr. Russo stated the definition on page two – just what are we sustaining.

Mr. Pessolano sustainability is a mind set, not so much to achieve a specific thing, but to conduct civilization in the Borough of Lodi in a manner that doesn't work against future generations being able to have the same quality of life if not better than what this generation enjoys. Not polluting it further, preserving water resources, providing for adequate shade and so forth, make less of a dent in the future stability to enjoy life in Lodi.

Mr. Russo interwoven in the concept of sustainability is all of the green issues. How does Lodi continue to exist while at the same time keeping in tune with the environment?

Mr. Pessolano stated through redevelopment – to turnover a property to different uses to revitalize individual properties one by one and as those properties are revitalized within the context of a new frame work for being more sustainable there will be ways to intergraded into those sites appropriate approaches for maximum access to the sun, for tying into a greener storm water collection and treatment system that will benefit the environment down stream along with the present location. There are things that can be done on an incremental basis and should be done and those things are brought into place by adopting matching regulations that will work with property owners to achieve these basis opportunities to be a greener community. We are trying to make less of a heat island effect which is produced by pavement instead of green space. Lodi is short on green space, so opportunities on a site by site basis to include more greenery and also different treatment to roof areas which is probably more important than putting a shrub here and there, because that has an impact for maintenance with motorized equipment. Lodi when seen from the air has a lot of roof area, so if roof area can be treated differently so that they are not contributing actually reducing heat coming from building as reflected energy from the sun hopefully absorbing the energy and converting it to usable power. Everybody wins. This plan sets forth goals and objectives. In the planning speak the goal is something you never fully achieve; if you do it's not a goal. The goal is like a perfect world thing. The objectives are things that you do that bring you closer to meeting that goal. Sustainability is not a destination it is a process.

There was no one from the public wishing to be heard regarding the Sustainability Plan.

There was a motion by Mr. Borelli, seconded by Mr. Carrasco to adopt the Sustainability Plan prepared by H2M dated August 2009. Mr. Russo prepared the resolution which will be sent to the County and adjacent municipalities. All members present voted in favor of the motion.

Mr. Pessolano stated the next step in the Master Plan Update Process will be the Housing Plan, which will hopefully be ready for October.

There was a motion by Mr. Ingenito, seconded by Mr. Carrasco to open this portion of the meeting to the Public on matters not on the agenda. All members present voted in favor of the motion.

Mr. Michael Nunno representing the American Legion Post, Mr. Nunno stated there was a ruling made that there was no trucks to be parked on the American Legion property. He would like to inform the members that it is a hardship not having the trucks being allowed to park there as it was a source of income for the trailer, the electric and for insurance and so forth. The members are kicking in each month to pay the expenses, so they don't have to use the building fund monies. The building should be complete in hopefully two or three months. The American Legion did tell the trucks not to park there. However, there is one truck there that it is a real hardship on them, he owns the building next door and he loads his truck there at night and it is real valuable stuff he has in there, it has to be kept in a fenced in space. Contrary to what anybody said the lot is paved, and it's going to be paved again. This place is there to help the veterans, and it helps the citizens of this borough. Mr. Nunno feels they are being treated like second class citizens; there are other properties that have trucks parked on their properties all night. Please check it out. The American Legion would like this man to park there because it is adjacent to his property and the American Legion also uses the man's warehouse to house their valuables. Whatever the board decides the American Legion will do. It is only a small box truck. The commander's motor home is parked there for many years and they use it for meetings. The American Legion is requesting help. What are we doing that is so wrong.

Mr. Carrasco stated he is a veteran also, and understands the situation, but is this part of the easement and really out of the board's hands.

Mr. Borelli stated that testimony from the attorney the garages will be walled up it will be part of the buffer zone and it would not be used. The stairway in the back would be turned around. Your lawyer agreed to all this stuff. This board was told something different.

Mr. Nunno asked who is this going to hurt and can't the board bend a little.

Mr. Palumbo stated it is not just one truck, the complaint was there were 4 or 5 tractor trailers parked and the contract was going to run out in December, your people said the trucks would be out of there and they sat there for another 7 months. Nobody moved anything.

Mr. Palumbo also questioned the back of the parking lot being paved. The problem is everything flows into the brook there is no catch basin there you have a six inch piece of pipe that goes into the brook, where does the oil from the trucks go. We did bring up the drain pipe. You people

were going to take the staircase down, there was an issue with the fire in the building, and do you use the back door for people to get out of the building. If I allow you to park that truck there today, and that man uses the garage doors when the American Legion is done is he going to park there.

Mr. Nunno stated he will not park there when the Legion is done.

Mr. Palumbo stated so in six months when the Legion is done where is this man going to go.

Mr. Nunno stated he is going to have to move or make other arrangements

Mr. Carrasco stated years ago that building had one entrance in the front and then he sub-divided making a hardship on that building and was forced to open up the bay doors on the side. They've only been there 6 - 7 years. Now he has other businesses in there and they use to use that front bay to load and unload on his property.

Mr. Borelli we asked these questions, we tried to make sure we would not end up like this.

Mr. Nunno stated there are a lot of unforeseen things that come up when you are building a building, so who are we going to come back to.

Mr. Carrasco stated we were told by your attorney months ago that the unforeseen things that you are talking about were going to be addressed 7 months ago and it has never been addressed and here it is now you are looking at us and we are only looking back at what we were told. What position do you want us to take?

Mr. Nunno stated we would like you to bend a little bit and accept the fact that when things come up we need help. You either help us or you don't one way or another we are going to do what we are going to do.

Mr. Palumbo stated this was discussed with the attorney and the other people that were here, they agreed to it.

Mr. Nunno stated let's say it was a mistake, or misunderstood, just to be so fast they wanted to get the permit they would agree to anything do we have to hold them to it?

Mr. Palumbo stated what if I allow this today and the American Legion is complete and the trucks are back parking in the lot.

Mr. Nunno stated they are not going to be in need of the money, once the building is complete.

Mr. Borelli questioned if the person that parks the truck there owns the building next door.

Mr. Nunno stated he just sold it. He sold it to the deli

Mr. Borelli stated so he is renting from you to get his stuff out of the building. Mr. Melfi should really get involved in this are there C.O.'s for all the businesses in that building next door. We would love to help you but we can't.

Mr. Norieka stated for us to help you it would take a whole new application.

Mr. Russo stated the new application might have to go back to the Zoning Board

Mr. Nunno asked the board to put something in writing.

Mr. Norieka stated it is already in writing, it's in the resolution.

Mr. Palumbo stated this board might have 5 or 6 veterans on this board and the board is not the bad guys.

Mr. Norieka stated 7 months ago the board was the good guys; we gave you everything you wanted. Everyone was happy, and all the board members though you were happy. This board gave you variances that you were short on.

Mr. Nunno stated each board member should be there digging – giving the Legion 100 percent support. Now we will wait and see what happens.

Mr. Russo stated they should make an application to this board to amend the site plan, or an application to the Zoning Board to park the trucks.

Mr. Carrasco stated they are only getting \$175.00 to park, is it worth it.

Mr. Norieka stated we really got no where and to move on with the resolutions.

Resolutions: Gilbert Delaat
17 Summer Street

Everyone received a copy of the resolution; the application was for a site plan waiver and Certificate of Occupancy for the café/bakery.

There was a motion by Mrs. Breitweiser, seconded by Mr. Carrasco to approve the resolution. All members present voted in favor of the resolution, with the exception of Mr. Borelli who abstained.

Resolutions: Window Technologies LLC
80 Industrial Road
Block 205.02 – Lot 4.02

Everyone received a copy of the resolution; this is to allow Window Technologies as a tenant at 80 Industrial Road.

There was a motion by Mr. Carrasco, seconded by Mrs. Breitweiser to approve the resolution. All members present voted in favor of the resolution, with the exception of Mr. Borelli who abstained.

Mr. Norieka stated the sign was never put up from five years ago, and as of this morning it still wasn't up.

Mr. Russo stated there should be not date he should just comply.

Mr. Russo stated there really isn't much going on in the building department, so he's not sure what we will have next month.

Mr. Russo stated the lawsuit regarding Farnham Avenue. The case is now in the hands of Judge Della Cruz. The other aspect of the case that was resolved was the Borough was sued regarding the adoption of the Ordinance. Mr. Sprovieiro showed proof that the ordinance was distributed and adopted properly and the Borough is now out of the case. The only matter in front of Judge Della Cruz is the planning board's decision. The briefs are due in October and the trial will be sometime in November.

Mr. Palumbo brought up Sleepy's not doing any work in the parking lot. What is the time frame to do things stated in the resolution? Mr. Palumbo will see Mr. Melfi in the morning.

Mr. Norieka stated there was a 53 footer going up the one way street and backing in to Budlee's Fabric.

There was a motion to adjourn.

Respectfully submitted,

Marlene Muska