

Lodi Planning Board  
May 13, 2009  
Minutes

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

Members Present: Mr. Carrasco  
Mrs. Breitwieser  
Mrs. Fiduccia  
Mr. Palumbo  
Mr. Norieka  
Mr. Avola – Zoning Board Member  
Mr. Vakharia – arrived at 7:20 p.m.

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

Members Absent: Mr. Borelli  
Mr. Ingenito  
Mr. Luna

**Application:** 042509P  
Anthony and Matteo Giordano  
26 Borig Place

Applicants are here for a site plan waiver to take back the ownership of the deli from Rosa's Deli. This will be the same business – nothing changed.

Mr. Avola questioned if this board heard the application only with a tenant, and now the property owner is taking back the establishment

Mr. Palumbo questioned if there is seating in the establishment. The counter and stool is for the worker that is there.

Motion by Mr. Carrasco, seconded by Mrs. Fiduccia, all members present voted in favor of the motion.

**Application:** 040809P  
Rosalie Dozsa / Omer Uludag  
233 Union Street

Applicants are here for a site plan waiver for a convenience / deli at the location. The applicants painted and cleaned the interior of the building. Right now they will maintain the same type of business with the exception of having a hot plate to serve breakfast. In the future they would like to put in a grill. There are 2 employees, Ms. Dozsa and Mr. Uludag. The hours of operation will

be 6 a.m. to 9 p.m. 7 days a week. There are 2 off street parking spaces on the side of the store on Leo Street and down on Union Street there is available parking.

Mr. Avola questioned the parking, because the store is located next to the apartment building.

Ms. Dozsa stated there are 5 parking spaces for the tenants and 2 parking spaces next to the side walk.

There will be no exterior renovations.

Mr. Palumbo questioned the vehicle parking on Leo Place on the sidewalk, which is a tenant.

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

There was a motion by Mrs. Fiduccia, seconded by Mrs. Breitweiser to accept the application. All members in attendance voted in favor of the motion, with the exception of Mr. Avola who voted no.

**Application:** 050409P  
Fernando Furentes  
401 Passaic Street

Mr. Russo stated prior to the applicant giving testimony that the property owner lives approximately 3 hours away and his wife is in the hospital, if it is necessary we can contact him by phone.

Mr. Avola questioned if that was legal the property owner not being here.

Mr. Russo stated we can contact him if necessary, and if the board feels uncomfortable and the board feels they need questions answered by the property owner in person we can postpone the application.

The tenants are here and will give 99.9% of the testimony.

Mr. Avola feels the tenants can not answer for the property owner.

The board feels they can hear the application.

Fernando Fuentes and Manuel Castillo would like to open a deli at the location.

The premise is vacant at this time, it was a wedding photographer.

There will be three employees; hours of operation will be 6 a.m. to 11 or 11:30 p.m. This will basically be a grocery store, selling groceries, can foods, soda, snacks, breakfast time will serve coffee with bagels, lunchtime will be cold cuts only no hot food.

There is no off street parking. The applicants live close enough that they will walk to the store.

Mr. Norieka questioned the handicap accessibility to the store.

The store is ground level and they have accessibility.

There will be no exterior renovations, other then replacing the sign.

Mr. Russo stated as far as the hours of operations, the tenant will comply with the boroughs ordinance.

Mr. Carrasco questioned the application stated until midnight. The resolution will state 11:30 p.m.

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

Mr. Avola questioned that there is only one entrance to the building.

The applicant stated there is a doorway in the basement that can be used to exit the building.

Mr. Avola stated the Fire Inspector should look into the matter.

Mr. Russo stated he will put in the resolution subject to the fire inspection approval.

There was a motion by Mr. Carrasco, seconded by Mr. Vakharia with the condition of the fire inspection approval. All members voted in favor of the motion.

**Application:** 050109P  
Salvatore Enea  
70 Route 46 East

The attorney for the applicant Mr. Toronto is requesting a Site Plan Waiver for the above address, Block 157 – Lot 49. This is a change of ownership for the existing used car lot. Mr. Enea met all the requirements set forth by the building department and the fire department. Mr. Enea purchased the property as well as the business from the previous owner. The exterior and interior of the building was painted. The hours of operation will be 9 a.m. to 6:30/7:00 p.m. Monday through Saturday. The establishment will have two employees.

Mr. Carrasco questioned if there will be any parking on the street. The applicant stated no.

Mr. Norieka stated there seems to be more room now that the one trailer is moved.

Mr. Palumbo questioned behind the office there is a trailer, will that eventually be moved, and will you be cleaning up the back of the building.

The only parking will be the center driveway.

Mr. Avola questioned if there will be any other business other than the used car lot on this property. There will be no repair work or detailing done on the site.

Mr. Norieka stated the garage is now the office.

Mr. Avola stated all the conditions for the site plan waiver will be to remove the trailer. The applicant stated he does not have the money to remove the trailer at this time; he is using it as storage.

Mr. Avola questioned what would be a reasonable time that can be put on the applicant to remove the trailer.

Mr. Enea stated one year will be reasonable to remove the trailer.

No one from the audience wished to be heard for or against this application.

Mr. Russo stated the conditions that will be listed in the resolution are that the applicant will have one year to remove the trailer behind the office, no repairs will be done on the premises, and this will be a used car dealership only.

Mr. Norieka stated it is not fair to the applicant to put no repairs – he might have to stripe a car or repair a windshield, the wording should state light repair. All members agreed to the change in wording.

There was a motion by Mr. Palumbo, seconded by Mrs. Fiduccia to approve the site plan waiver with the conditions. All those members present voted in favor of the motion.

Prior to Mr. Toronto leaving the building Mr. Russo asked if his applicant – The American Legion – can please clean the site as per the resolution. Mr. Toronto stated he will call the Commander of the Legion tomorrow.

**Application:** 042809P  
Venecia Mena  
76 Sidney Street

Mr. Russo stated he had no prior conversation with M & B the property owner, they are not present. Ms. Mena is here to open a detail shop and to separate from the Auto Body Shop. Mr. Norieka stated he feels the property owner should be here as there are questions regarding the bathrooms.

Mr. Palumbo's concerned with the chain link fence, the bathrooms inside the building, and what will the detailing shop entail.

Mr. Avola questioned how many businesses are in the building.

Mr. Palumbo stated from what he saw there can be approximately 4 businesses on this site.

Mr. Avola stated even if there are only 3 businesses she will still need a variance.

The board and Mr. Russo were questioning the plan that was submitted, it is not clear.

Mr. Norieka stated again the property owner needs to be here.

Mr. Russo stated the bigger question is how many businesses are allowed in the building.

Mr. Russo questioned the space the applicant wants to use, what is there now. It is storing cars right now.

Mr. Russo stated if it is three uses and if she was going to continue a similar use it will be a pre-existing non-conforming use, where a variance is not required.

Mr. Avola stated we need to know what this building actually has on site.

Mr. Russo stated the applicant will come back with the property owner, and if this board feels it is not a pre-existing non-conforming use, then they will have to go before the zoning board.

Mr. Avola stated they will have to be denied from the Zoning Official prior to going before the Zoning Board.

There was a motion by Mr. Carrasco, seconded by Mr. Palumbo to carry this application to the June 10, 2009 meeting, so the property owner can be present. All members present voted in favor of the motion.

**Application:** 042409P  
Wayne Pan  
450 Main Street

The applicant for this application did not show up.

**Resolution:** 121208P  
Budlee Fabrics  
399 Main Street

Mr. Russo reminded the board of the numerous conversations the board had regarding the language that was finally determined for the resolution. Mr. Russo also asked to the board to look at page five of the resolution and the language used.

Mr. Russo reminded the board of his policy to send a draft of the resolution not only to the board members but also to the applicant or their attorney.

Mr. Russo stated he received a letter from Elaine Berkenwald, the attorney for the applicant, dated April 27, 2009.

Mr. Russo read the letter up to paragraph three and stated in response to the Truck Path Plan submitted by the applicant's engineer Bertin Engineering, Mr. Solfaro the engineer for the board stated in a letter dated April 8, 2009, yes the maneuver is possible, but it included encroaching on the parking spaces in the parking lot, and if there are cars in the spaces the maneuver is not possible.

Mr. Russo then continued reading the letter from Ms. Berkenwald.

Mr. Russo advised the board they can do three things:

- 1) Carry the motion for one more month and let the applicant come back for further discussion.
- 2) Tell Mr. Russo to change the resolution to limit it to a 40 foot box.
- 3) Accept the letter for what it is worth and vote on the resolution and the conditions the board stipulated last month.

Mr. Carasco questioned didn't the board say step vans.

Mr. Russo stated that they want the 40 foot box.

Mr. Russo then read the conditions stated in the resolution.

There was a discussion again regarding the trucks that are still pulling in there now.

There was a motion by Mrs. Breitwieser and a second by Mr. Carrasco to accept the letter from Ms. Berkenwald for what it is worth and vote on the resolution prepared by Mr. Russo and the conditions the board stipulated last month. All members voted in favor of the motion.

**Resolution:** 031109  
Carolann Schwartz / Nicholas Pezza  
385 Passaic Avenue

This is a resolution for a site plan waiver and Certificate of Occupancy, the resolution stipulates this is subject to the borough's building department review and approving of the entranceway being handicap accessible. The building department may ask them to put up handrails.

Motion by Mr. Palumbo, seconded by Mr. Carrasco to approve the resolution, all members voted in favor of the motion.

**Resolution:** 031809P  
LBK Associates  
120 Route 46

This is a resolution for a site plan waiver and Certificate of Occupancy. The condition was this is a retail use only, no automobile repairs, along with no washing or detailing on the subject property.

Mr. Norieka stated there is a sign that says auto detailing and car wash.

If there is a sign there it will be a zoning officer issue.

There was a discussion pertaining to the resolution and all applicants that if they don't follow the resolution the C.O. can be pulled.

There was a motion by Mr. Palumbo, seconded by Mrs. Fiduccia to approve the resolution, all members voted in favor of the motion.

There was a motion by Mr. Carrasco, seconded by Mrs. Fiduccia to approve the minutes of the April 8, 2009. All members voted in favor of the motion.

There was a motion by Mr. Palumbo to adjourn.

Respectfully submitted,

Marlene Muska