

Lodi Planning Board  
February 11, 2009  
Minutes

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

Members Present: Mr. Borelli  
Mr. Carrasco  
Mrs. Breitweiser  
Mrs. Fiduccia  
Mr. Ingenito  
Mr. Luna  
Mr. Palumbo  
Mr. Norieka

Also Present: Mr. Joseph Russo – Planning Board Attorney  
Mr. Thomas Solfaro – Planning Board Engineer  
Ms. Jessica Georgianni – Planning Board Planner  
Mrs. Marlene Muska – Planning Board Secretary

Members Absent: Mr. Vakharia

There was a motion by Mr. Borelli, seconded by Mrs. Breitweiser to accept the minutes of the January 14, 2009 meeting. All members present voted in favor of the motion.

**Applications:** 012909P  
Eli Elart  
118 Essex Street  
Site Plan Waiver – for Biker Mill Leather Shop

Mr. Elart is the tenant and the owner is Dr. Polito and his daughter Ms. Polito. This is an empty store right now and it is approximately 1200 square feet. The store will be selling Biker Gear – (i.e. helmets, leather apparel and items for motorcycles) The store will employ 1 person (who will be Mr. Elart) approximate store hours will be 10-6 or 11 to 7 or 10-7 p.m. applicant is really not sure yet, this will be a Monday through Saturday operation.

Ms. Polito gave testimony regarding the parking spaces, which are approximately 20 to 30 spots located in the rear of the strip mall which is designed for all the tenants within the strip mall

Mr. Palumbo questioned the 5 other tenants within the mall and there is no longer parking in the front of the mall.

Mr. Luna stated several years back the borough entered into a contract with the D.O.T. as a Municipal Parking lot and there is a huge number of spaces in the back of the property which is permitted parking for the store fronts.

Mr. Borelli questioned the signage and they will just use the acrylic signage.

No one from the audience wished to be heard on this application.

There was a motion by Mr. Carrasco and a second by Mr. Borelli for a site plan waiver and Certificate of Occupancy to be granted to Eli Elart for the Biker Mill Leather Shop. All board members present voted in favor of the motion.

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

Ms. Elaine Buckenwell, the attorney for the landowner Ardnt Reality, stated to the board members this matter was approved, however there was confusion and questions from the board members regarding this tenant, Mr. Attar. Mr. Attar was not present at the prior meeting and he is here now to give testimony if the board members wish. This applicant is primarily a warehouse, however he would like to make it a retail business to see fabrics to the neighborhood in smaller amounts and this would approximately be 2% of his sales.

Mr. Russo stated for the members that were not present, approval was made by the board, however when the board went to memorialize the resolution, concerns were expressed regarding the sign that went up "open to the public". There was no recollection of this board that there was no testimony given during this application that stated this tenant would be open to the public. So at the request of this board I asked to you come back so that clarification can be made as far as testimony from the tenant as to what his operation will be.

Mr. Attar stated this business is in operation for 30 plus years. He feels his operation is 95% wholesale – 5% retail. The neighbors are happy he is there and are looking forward to shop there it is a service to the community. Mostly is export, they took a bigger place for storage and possibly making the front a place for retail. Mr. Russo stated there is also a problem with the trucks. Mr. Attar stated in the beginning they used the biggest truck they could get as it was cheaper to deliver the fabric from New York with a big truck, and now they are smaller now. And now if they have a big trailer once a month it's a lot. The trailers come straight in because the loading dock is in the back. Approximately 5% of the business is retail. Approximately 10-20 people have come into the establishment already showing an interest in purchasing

Mr. Palumbo stated Mr. Wolfer stated Budlee would be one of the tenants and they would deal with fabrics on rolls. Mr. Wolfer never stated retail.

The board also questioned parking and tractor trailer deliveries. Mr. Attar believes the tractors are for the bakery.

Mr. Wolfer stated the board never discussed retail with any of the applicants that original meeting.

Mr. Russo stated not making excuses but this was one of the first Site Waiver Plan meeting and as we have come along we are tweaking and having a better flow of the “new procedures”.

Mr. Attar feels the tractor trailers are not from him.

Mr. Carrasco feels the trucks are an enforcement issue with the Police Department, and he questioned how many tractor trailers actually will visit the site per day.

Mr. Palumbo stated that signage was supposed to be put up for the trucks and there is no signage for the trucks yet.

Ms. Buckenwell stated they were waiting for what the signage was supposed to say.

Mr. Russo stated that the signage for the trucks were part of the original resolution and would part of this resolution as well. Mr. Russo stated they had a discussion as to what the sign said and the resolution stated “nose in first”.

Mr. Frank Wolfer stated that the trucks do pull in nose first and they jockey around and then pull out nose first. He claims that most of the people parked there are from the bakery and the truckers ask the people to move their cars. It is also the ability of the truck drivers and how well they drive to maneuver around the property

Mr. Borelli asked if a traffic study can be done even though it is a pre-existing condition.

Mr. Norieka stated the pre-existing non-conforming illegal situation is what we are dealing with and we are concerned with the trucks pulling in and out of the parking lot.

Mr. Luna stated a police officer is sent to the site for that purpose as the borough is getting many complaints about the trucks backing into the property and causing problems on Main Street.

Mrs. Buckenwell stated as she recalled the engineer was going to look at the site.

Mr. Solfaro stated he would visit the property if the owner would like to walk with him and Mr. Solfaro would report back to the board as to the necessary signage.

Mr. Solfaro also stated if the board is seeking a mover ability plan Mr. Solfaro would not be able to provide the property owner with the plan as they would have to hire their own engineer as he represents the board.

Mr. Palumbo stated that if the trucks are delivering to the bakery how come the neighbors have not been complaining before. It seems to be only since Budlee has moved in and trucks are delivering fabrics.

Mr. Wolfer states the plot plan he submitted is not done to scale.

Mrs. Buckenwell stated the owner will put a sign up that states “Nose In”

Mr. Luna stated that our engineer look at the site and report to the board and to tell them if there is enough retail parking and his findings. Mr. Luna stated that within the last six months he has had calls with the truck deliveries.

Mr. Borelli questioned the retail use and the parking spaces required for retail.

Mrs. Buckenwell stated Mr. Attar is really not planning a retail operation, maybe once in a while a neighbor will come in to buy a piece of fabric.

Mr. Norieka asked if trucks are picking up his fabrics.

Mrs. Buckenwell stated that 2 tenants basically moved in at the same time and that might have been the problem.

Mr. Palumbo questioned the signage that is there already – is that a legal sign – Budlee Fabric Open to the Public on the fence. Were the parking spaces striped?

Mr. Solfaro will look at the site and report back with the truck problem and parking problems on the site.

Mr. Borelli would like to straighten out the problem before there is a major problem.

Mr. Norieka stated this was originally a one use warehouse and now it is several uses, which causes an impact on the neighborhood.

Mr. Arndt stated the bakery has been there for 20 years, he moved in to make watchbands, business went bad and he then divided up the site for warehouse use. The bakery may have deliveries maybe twice a month. The parking has been like this for the 25 years he owns the building.

Mr. Palumbo questioned the 10 parking spaces in the rear of the building, but he can not ask the question as Mr. Wolfer stated the plot plan given to the board is out of scale, inaccurate and should not be used for reference. It was just to show the tenants.

Mr. Carrasco questioned the problems of the trucks running at night, but Mr. Arndt stated it was the bar across the street and the people using his lot for parking. That was taken care of.

Mr. Luna stated he would like to see the engineer go there and look at the site, report back to the board and see what the problem is.

Mr. Russo stated if we take the applicant out of the picture we still have the problem. But Mr. Luna stated the complaints are only the last six months, the bakery has been there for 20 years.

Mr. Russo stated the site is what it is and you can not impose on the new tenant problems that are pre-existing. The board does not have any intentions of hurting the owner of the property or the tenants, but the board wants the problems corrected.

Mr. Russo stated that the board has no intention to shut down the tenant. We will carry the temporary Certificate of Occupancy for a couple of months. Allowing the owner of the property to have an engineer look at the site, present our engineer with a template for review if the trucks can maneuver at the site. Mr. Russo stated he can guarantee this board will look at the site for the next 30 to 90 days.

Mr. Luna will get from the police department the number of traffic tickets issued.

There was no one from the audience that wished to be heard regarding this application.

Mr. Russo stated there will be no additional escrow needed for him; however additional escrow would be required for Mr. Solfaro to review the template.

Mr. Solfaro stated he would provide the board with a written report of these findings.

There was a motion by Mr. Borelli and a second by Mr. Carrasco to carry the temporary Certificate of Occupancy for sixty days during which time we will get the report from Mr. Solfaro. All those members present voted in favor of the motion.

**Application:** 121108P  
Michael Giamo  
7 & 9-11 Union Street  
Block 89 – Lots 21.01 & 24.02

Mr. Roger Bernhammer is the attorney for the applicant Mr. Michael Giamo request an adjournment until March 11, 2009.

Mr. Russo stated the issue has been raised that since the lot line will be moved the two lots in the back which will merge, how you get to the back lot. The issue is you can't get there through Renee Place and Mr. Bernhammer will provide documentation and the borough resolution stating you can get there through Renee Place.

Mr. Luna asked if that is the only issue regarding the application.

Ms. Georgiannie questioned the parking and that will be addressed at the next meeting.

Mr. Thomas DeSomma the executive director for the housing authority questioned they will be using the west side of Renee Place.

Mr. Noreika stated he remembers Renee Place being closed and make the access off of Union Street.

Mr. Russo stated the back lot becomes landlocked and that's the issue.

Mr. Bernhammer will provide the resolutions at the March 11, 2009 meeting.

There will be no further notice of this application.

**Application:** 011309P  
Patricia Munar  
14 Kimmig Avenue  
Lodi, NJ

This is a site plan waiver and certificate of occupancy. This is a beauty salon and has been a beauty salon. The tenant would like to operate 6 or 7 days a week with two additional employees. There are approximately 12 parking spaces.

The owner of the property Mr. Jack Sepede was also present, who is in a lease with the tenant.

There will be no major renovations done to the property.

There were no questions from the board members.

There was no one from the audience that wished to be heard regarding this application.

There was a motion by Mr. Borelli and a second by Mr. Carrasco for approval of the Site Plan Waiver and Certificate of Occupancy to Patricia Munar to open a Beauty Salon at 14 Kimmig Avenue. All members present voted in favor of the motion.

**Application:** 122707P  
American Legion  
41 Union Street  
Lodi

This application will be carried to March 11, 2009 the reason why this application is being carried so many months is they were waiting DEP permits and according to Mr. Russo as per Mr. Toronto the permits were granted today and that is why this is being carried again, hopefully until March but possibly to the April Meeting.

If there is anyone in the audience regarding this application this will be carried to the next meeting March 11, 2009

**Application:** 012009P  
Francesca Lovo  
10 Dell Glen Avenue – Building # 6  
Dry Food Warehouse

This is a site plan waiver and Certificate of Occupancy, the applicant is a wholesale Italian Foods Importers. There are 2 employees in the building. They have a temporary Certificate of Occupancy, they have health license they have permits from the fire department and terminex.

The property owner James Cangelosi was present and he stated the only renovations done to the property was the 10 X 10 platform – loading dock – that was repaired and the debris was removed from the back of the building.

Mr. Palumbo questioned the loading dock if there will be a guard rail long the side of the river.

Mr. Cangelosi will level it out.

Mr. Borelli questioned if building permits were issued and they were.

There was a motion by Mr. Palumbo, seconded by Mr. Ingenito for approval of the Site Plan Waiver and Certificate of Occupancy is granted to Francesca Lovo for a Dry Food Warehouse at 10 Dell Glen Avenue Building #6. All members present voted in favor of the motion.

**Resolution:** 123108P  
Nelson Marques  
299 Farnham Avenue  
Block 1 – Lot 13

This is a resolution denying the sub-division of the property and the building of the 2 2 family homes on 2 50 X 100 lots.

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

**Resolution:** 121208P  
Rosa's Deli  
20 Borig Place

This is a resolution for a site plan waiver and Certificate of Occupancy, it states in the resolution there will be no eating in the establishment.

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

**Resolution:** 010509P  
Richman LLC  
396 Passaic Avenue

This is a resolution for a site plan waiver and Certificate of Occupancy, it states in the resolution that Debra Powell, a neighbor, has had flooding and sewer problems since the establishment was occupied.

Mr. Russo reminded Mrs. Fiduccia to bring this concern to the Mayor and Council.

There was a motion to accept the resolution by Mrs. Fiduccia, seconded by Mr. Ingenito. All members voted in favor of the motion with the exception of Mr. Luna who abstained.

**Resolution:** 111508P  
Metro Cleaners  
304 Harrison Avenue

This is a resolution for a site plan waiver and Certificate of Occupancy. There was a motion by Mrs. Fiduccia seconded by Mr. Carrasco to accept the resolution. All members voted in favor of the motion with the exception of Mr. Luna who abstained.

**New Business:**

Mr. Russo asked if the board members have any questions regarding the Site Plan Waivers and Certificate of Occupancy applications, to please feel free to contact him. The members feel that the board is getting there and things are getting easier. As long as it does not get overly expensive to the applicant things will run smoothly.

There was a discussion again regarding Budlee Fabrics and the trucks.

Mr. Luna stated the Mayor and Council are embarking on a New Master Plan and it brings additional pressure and work to our planners. Mr. Luna conferred with H2M regarding this matter and Mr. Luna suggested that the name of Gary Paparozzi a certified state planner be added to the list of planners to help H2M.

There was a motion made by Mr. Luna, seconded by Mr. Carrasco to appoint Gary Paparozzi as an additional planner. All members voted in favor of the motion with the exception of Mr. Palumbo who voted no.

There was a motion to adjourn.

Respectfully submitted,

Marlene Muska