

Lodi Planning Board  
Minutes  
July 8, 2009

The Pledge of Allegiance and Roll Call was done at the Reorganization Meeting which was held prior to this meeting.

Mr. Russo informed all the board members there will be a Special Meeting for the Master Plan, scheduled for July 29, 2009 at 7:00 p.m.

Mr. Norieka made an announcement that for all applications if the applicant and the owner are not present the application will not be heard.

**Application:** 061909P  
Roselli Associates  
495 Westminster Place

This is an application for a site plan waiver the tenant Philip Roselli and Lucia Leto is the property owner.

Mr. Roselli has a broker license and would like to open a firm here in Lodi for Real Estate. The hours of operation will be 8 a.m. to 5 or 6 p.m. Monday through Friday, with an occasional Saturday with appointments only.

Mrs. Leto stated the property is now vacant, and has been vacant for approximately four months.

There will be no exterior improvements, cosmetic and internal renovations only.

There will be one person for now (Mr. Roselli) with the hopes of employing another person.

Mr. Paparozzi enlightened the board that the prior use was a deli for many years.

Mr. Norieka informed Mr. Paparozzi prior to his sitting on the board the property owner was here for a site plan waiver for a Guitar Repair and Internet Service, which was only opened approximately three months per Mrs. Leto.

Mr. Palumbo questioned there will be approximately 2 cars parking with the new employee.

The people would meet at the site of sale and not really coming back to the building.

Mr. Borelli questioned the signage.

Mr. Roselli stated decal on window as sign only.

Mr. Palumbo questioned no electrical sign and Mr. Roselli stated no.

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

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

**Application:** 060209P  
Greg DiRenzo  
53 South Main Street

This is an application for a site plan waiver, the tenant Mr. DiRenzo and Mr. William Nunno is the property owner. Mr. DiRenzo stated he would like to open a personal training and sport facility. The prior use of this property was a photography place. There will be no external improvements to the building. He will put in modular walls in the interior. There will be one employee and possibly two clients will be based on an appointment only. There were 9 parking spaces which will be shared by another tenant. The hours of operations will be 5 a.m. to 6 or 7 p.m., possibly six or seven days a week.

Mr. Borelli questioned if this will only be physical therapy – no gym equipment.

Mr. Carrasco questioned the signage and it is existing signage.

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

There was a motion by Mr. Borelli, seconded by Mr. Ingenito to approve the site plan waiver, all members present voted in favor of the motion.

**Application:** 121208P  
Richard Ardent  
399 Main Street

This is a continuation of the problems we had with the traffic pertaining to safety and liability with this property. Mr. Russo was requested by this board to write a letter to the Traffic Division to request a report with the safety and liability of tractor trailer deliveries.

Sgt. Ronald Loverich submitted an amicable solution which he and Mr. DiMaria (the owner of Dadd's Bakery) agreed to.

Mr. Carrasco would like to know the size of "Semi" trucks.

Mrs. Berkenwald stated it is up to a 55 foot truck.

Mrs. Berkenwald stated that Sgt. Loverich in the letter has agreed with the testimony that Mr. DiMaria had stated to the board at the June Meeting.

Mrs. Berkenwald would like the board to amend the three conditions to the original resolution to encompass Sgt. Loverich's letter, and the tenants will comply.

Mr. Russo stated that if the board agrees, all tenants will comply with the recommendations.

Mrs. Berkenwald stated the sign does not go along with the procedure that the police department recommended.

Mr. Carrasco stated if the trucks are coming up North Main Street, how they are going to make the turn without going up the one way street.

Mrs. Berkenwald stated the new procedure seems to be working, and Dadd's went out and bought safety vests for his men to wear while directing traffic. All tenants will have to go out and direct traffic when they get deliveries.

Mr. Palumbo requested that all businesses buy safety vests.

Mr. Russo stated all the tenants will have to comply with the traffic division letter.

Mrs. Berkenwald stated all tenants will have the drivers call – they have to come from the north and all tenants will have vests.

Mr. Russo stated he can also attach the letter from the Traffic Division as part of the resolution and the property owner will distribute a copy of the letter to all his tenants.

Mr. Carrasco stated what if the driver can not make the turn and damages the neighbor's property.

Mr. Russo stated it is up to the neighbor to file the complaint and he believes it is the truck driver's responsibility.

Mr. Russo stated the motion will be to amend the original resolution to omit the conditions about no tractor trailers and replace it with Sgt. Loverich's letter dated 6/22/09 and the owner give a copy of the letter to all the tenants.

Mr. Palumbo questioned the handicap zones, the striping of the parking lot, and the issue with the number of parking spaces.

Mrs. Berkenwald stated there are very few cars there and they have allowed the Lodi Housing to park there.

Mr. Palumbo stated originally the application was for wholesale and now it is retail, doesn't that change the parking requirements.

Mrs. Berkenwald stated Budlee stated 95% was whole sale.

Mr. Russo stated that since the property owner is saving money by not putting the sign up, can they strip the parking lot.

Mr. Palumbo stated the handicap parking is there, the other side along the apartments.

Mr. Russo stated if they can strip the parking spaces adjacent to the Lodi Housing Apartments. Mr. Ardnt agreed.

There was a motion by Mrs. Fiduccia, seconded by Mr. Ingenito to change the original resolution. All members present voted in favor of the motion.

**Application:** 062409P  
The Thirsty Toad  
132 Essex Street

Mr. Frank Luciano is the attorney for the applicant. The applicant is Jymmi Corp. Mr. Luciano submitted the following:

A1 – The application

A2 – Survey prepared by GB Engineering dated 6/12/09

A3 – Letter addressed to Planning Board by Mr. Luciano with an appendix of 24 pages dated 6/4/09

A4 – Letter addressed to Mr. Melfi from Mr. Luciano pertaining to the no parking variance, site plan waiver and fencing dated 6/18/09

Mr. Borelli questioned the packages being delivered to the board members prior to the meeting.

Mr. Luciano stated they are here for a site plan waiver for the use of a pre-existing patio area approximately 31 X 22 feet located at 132 Essex Street. Mr. Luciano's client has owned the establishment for approximately 6 years as The Thirsty Toad and prior to that it was a bar/restaurant facility for about 35-40 years. The applicant wished to use the patio as an eating and drinking facility at which time we requested a Certificate of Occupancy. The Certificate of Occupancy was denied by Mr. Melfi and instructed the applicant to obtain a parking variance and site plan review. Mr. Luciano in his findings with historical documents from town and found the parking variance is not required. He referenced the exhibit A4, and discussed the contents of the letter. The common parking area located at the property. There are 52 parking spaces available and 8 additional parking spaces at the Thirsty Toad property, and with the findings along with Mr. Melfi's approval a parking variance is not required. So therefore the applicant is only here for a Site Plan Waiver.

Mr. Pappozzi stated the tax map copy with the 2<sup>nd</sup> report he submitted the parking that the DOT put in for this property is Lot 11.01 Block 174.01 which is right behind the Thirsty Toad.

Mr. Norieka questioned if this is one piece of property.

Mr. Borelli questioned that all the stores in this strip mall is all considered with the parking spaces.

Mr. Luciano stated, yes, and he advised the board of the staggered hours of operation for all the businesses within that strip mall.

Mr. Carrasco questioned the hours of operation.

Mr. Fredrick Bethon is the owner of the property, under the MJF Enterprises. Mr. Bethon stated the hours of operation are noon to 2 A.M. Sunday through Thursday and noon to 3 A.M. Friday and Saturday.

Mr. Carrasco stated the majority of Mr. Bethon's business is after 6 or 7 p.m. at which time the other stores are closed.

Mr. Bethon stated the only place that is still open is the Chinese Take Out Place.

Mr. Palumbo questioned the application stated the use of existing patio for drinking and dining, to install a privacy fence with a gate. Will you be serving lunch? The approximate size of the patio is 700 feet.

Mr. Bethon stated their intention is not to serve food outside.

Mr. Palumbo stated how many tables and chairs.

Mr. Bethon stated 3 tables and 4 chairs each.

Mr. Luciano questioned his client about serving the food outside.

Mr. Palumbo stated what he was looking for is serving food outside can be part of the parking problem.

Mr. Norieka stated he believes this is only going to be used for going outside to have a drink and smoke.

Mr. Luciano stated he is concerned about the issue and if someone were to order lunch he asked his client and they would serve them outside.

Mr. Paparozzi would like to make sure the board is aware that there is no on site parking, the spaces go over to the neighbor's property. They are only 9 feet and 9 feet on the neighbor's property. The spaces in the back, Mr. Paparozzi did not do the calculations, assuming Mr. Luciano calculations is correct the ordinance 195.11 4-6B11. The board can lower the requirements because of the staggered hours. Mr. Paparozzi did go to the site during the day and the evening hours and there were amply spaces. Mr. Paparozzi feels the parking is not an issue, however if the property is sold, and there is an increase in the tables and chairs outside that can impact the parking. Mr. Paparozzi feels if the board approves the application, it should be stated in the resolutions only 3 tables and a total of 12 chairs are permitted. The ordinance, the site inspection and Mr. Luciano calculated for the 3 tables and 12 chairs there is not a parking problem.

Mr. Palumbo questioned the privacy fence and a gate. Would be for deliveries, and fire exit. The fence is a stockade fence 6 feet high.

Mr. Paparozzi stated in his report, the area outdoors should be delineated on the survey so the engineer can make a site inspection for lighting just for public safety.

Mr. Luciano agreed to whatever the engineer would state upon his inspection. Mr. Luciano submitted A5 – drawing of 6 foot fence and site plan.

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

The resolution will state the applicant will provide adequate lighting and stipulate 3 tables and 12 chairs.

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

**Application:** 062609P  
Mr. Giordano  
24 Borig Place

The applicant is Anthony Giordano; the property owner is Matteo Giordano this is for a site plan waiver. The applicant would like to use the vacant building for an Art Studio. The property has been vacant for 3 years. It is approximately 850 square feet. There will be no improvements to the exterior or interior of the building. The applicant will be doing special effects for movies and computer work. The Hours of operation will be 10 a.m. to 8 p.m. days will vary. This is the applicant's primary business.

Mr. Paparozzi stated the landlord will be giving the applicant on site parking in the rear of the building.

Mr. Paparozzi questioned if there will be any signage.

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

There was a motion by Mr. Carrasco, seconded by Mr. Borelli to approve the application. All members voted in favor of the motion.

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

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

Mr. Palumbo stated the applicant must reapply.

Mr. Russo stated he will check with Sharon they might have withdrawn the application.

**Application:** 051509P  
J & J Tire  
11 Union Street

The applicant Ms. Mejin and the landlord is Michael Giamo. Ms. Mejin stated they do wholesale and retail of new and used tires, they would like to do wheel alignments and brakes.

The name of the business is J & J Tires and it has been there two years.

Mr. Russo stated they would like to expand the use from a tire business to a tire, and brake and wheel alignment facility.

The building is approximately 5000 square feet. There are two employees. The hours of operation is 8 a.m. to 7:30 p.m. Monday through Saturday, sometimes 10 to 2 on Sunday. There is parking for the employees on Rennie Place – there is 2 parking spaces allotted. There will be no improvements to the outside of the building.

The truck parked to the left of the building needs to be moved. Ms. Mejin stated it will be moved maybe this week (as part of the resolution they have 7 days).

Mr. Carrasco stated wasn't that part of the previous resolution.

Mr. Giamo stated it was gone for awhile.

Mr. Palumbo questioned if the 5 parking spaces belonged to J & J or the establishment in the rear.

Mr. Palumbo informed the applicant that the people that park on Rennie Place park illegally.

Mr. Giamo stated the town wants them to park like that. Mr. Giamo stated Mr. Banca stated that is the way they are to park like that.

Mr. Norieka stated the borough ordinance 195-11; this might be a non-conforming use.

Mr. Palumbo questioned the bollard on Rennie Place, Mr. Giamo put it there and there was never a sidewalk.

Mr. Palumbo questioned how many lifts are in the building. Four lifts and two employees.

Mr. Russo stated the problem is under the borough ordinance 195-11 D-3. He cited part of the ordinance no automobile service station shall be within 500 feet of another automobile service station. The building in the rear of the property is another automobile service station.

Mr. Russo stated this application possibly needs a use variance. You are expanding the use of your facility and you need a use variance.

Mr. Paparozzi stated it is in the redevelopment zone and they do not want automotive shops.

Mr. Russo advised the applicant and the landlord they would have to go before the Zoning Board.

There was a motion by Mrs. Breitwieser, seconded by Mr. Carrasco to approve the minutes of the June 10, 2009 minutes. All members voted in favor of the motion.

**Resolutions:** 092308P  
Sleepy's  
119 Route 46

In bold letters the C.O. is for the first floor only, the property owner must come back with the tenant of the second floor as there can be parking issues.

There was a motion by Mr. Carrasco, seconded by Mr. Borelli to approve the resolution. All members voted in favor of the resolution.

**Resolutions:** 051309P  
Lodi Cash Register  
25 Terhune Avenue

This is a resolution for a site plan waiver, and all site plan waiver resolutions will not include that the C.O. will be issued upon inspection and approval of the fire prevention department.

There was a motion by Mrs. Fiduccia, seconded by Mrs. Breitweiser to approve the resolution. All members voted in favor of the resolution.

**Resolutions:** 051409P  
Richard Pratt  
40 Arnot Street

This is a resolution for a site plan waiver, in the resolution in bold print will be all the conditions set forth in the resolutions so the enforce will be made aware. The only condition to this resolution was that there will be no outside storage.

There was a motion by Mr. Borelli seconded by Mr. Palumbo to approve the resolution. All members present voted in favor of the resolution.

Mrs. Fiduccia questioned why the board members do not get a copy of the draft of the resolutions. In the beginning there wasn't a problem. Mr. Russo will check with Sharon.

Mr. Carrasco questioned if a property owner is in violation of a previous resolution, why should we hear another application.

Mr. Russo again stated we are here to do what we are required to do for each application.

Mr. Palumbo questioned an application on Route 46 stated they are doing tires and the application did not say anything about doing tires.

Mrs. Fiduccia questioned Mr. Luna as to who enforces the resolution. The building department sees who needs to enforce the resolution and a copy of the resolution is given to the department who needs to enforce it.

Mr. Paparozzi stated Mr. Melfi does not have the time. The building department is split now – Mr. Melfi does the zoning department and Mr. Lavin does the construction department.

Mr. Russo stated in the real world the members of the board are the eyes of the resolution. If a board member sees things they should contact the building department.

Mr. Palumbo was directed to speak to the building department, and then follow up with either the Borough Manager and or a Council Member.

Mr. Borelli stated how things are done in the City of Hackensack, and the Borough of Lodi might institute a complaint form.

Mr. Palumbo questioned how long it takes the City of Hackensack to take care of these complaints.

Mrs. Fiduccia questioned what if there isn't any complaint.

Mrs. Breitweiser questioned if the property maintenance men can have a copy of the resolutions.

Mr. Paparozzi stated they are not really authorized to issue the violations, however they can inform Mr. Melfi of the violation.

Mr. Russo stated it really comes down to the board members, who put there heart and soul into these resolutions, and maybe we have to make Mr. Melfi aware of the violations we see.

There was a motion to adjourn by Mrs. Fiduccia, seconded by Mrs. Breitweiser.

Respectfully submitted,

Marlene Muska

