

Lodi Zoning Board  
September 25, 2008  
Minutes

The meeting was called to order by Chairperson Mr. Inserra at 7:30 p.m.

Members Present: Mr. Staine  
Mr. Gilson  
Mr. Gaciofano  
Mr. Pinto  
Mr. Schrieks  
Mr. Avola  
Mr. Inserra

Also Present: Zoning Board Attorney Marcel Wurms  
Zoning Board Planner Michael Pessolano  
Zoning Board Engineer William Stimmel  
Zoning Board Secretary Marlene Muska

Members Absent: Mr. Paladino  
Mr. Bene

There was a motion by Mr. Avola seconded by Mr. Staine to accept the minutes of the July 24, 2008 meeting. There was a question regarding the minutes and it was determined that the question was regarding signage at the Palm Reading Establishment on Westminster Place that was discussed at the June Meeting. Mr. Wurms is to follow up on the request regarding the signage. All members present voted to accept the July 25, 2008 minutes.

The first order of business is regarding an applicant that was before this board regarding Tropical Homes LLC, located on Terhune Avenue. The property owner is here to advise the board of some changes he would like to make to the original resolution, and as Mr. Wurms stated the board will determine if it is not a de minimus change or if the applicant must come before the board for a new hearing.

Vivian Lee, the property owner, along with John Gloria the project manager for the applicant is requesting four items in a letter dated June 11, 2008, that they feel are de minimus changes to the resolution.

- 1.) They would like to eliminate the “new” fence along a strip of land that goes along the right side of the property back to Henry Street. As there is chain link fence and they feel it is not necessary to stack their fence along that area.
- 2.) The resolution states board on board material to be used. The applicant wants to change the type of fencing and use PVC privacy fencing which the board members were able to see on a brochure presented by the applicant.

3.) The applicant is requesting the height of the gate to be 4 feet as a gate that is 12 feet long at 6 feet high will just not work. They are requesting the 6 foot height drop to 4 foot where the gate will be installed

4.) The applicant is requesting to eliminate the low voltage lighting along the Henry Street walkway. The neighbors are concerned this will allow people to use this as a cut through to the bus stop.

There were discussions from the board members regarding each change. Mr. Gaciovano was concerned about eliminating the lighting and the safety of the residents. Mr. Avola was concerned about the “new” fencing elimination, and the material to be used. Mr. Gloria states if the board feels there are not de minimus changes they will comply with what the board states in the original resolution.

Mr. Wurms advised the board to vote “YES” if they feel it is a de minimus change and no hearing is warranted, or to vote “NO” if they feel it is not a de minimus change and the applicant must come back to the board for a hearing.

#### 1.) Double stacking of the fence

##### Roll Call

Mr. Staine	no
Mr. Gilson	no
Mr. Gaciovano	no
Mr. Pinto	abstained – he was not at the original meeting and therefore feels he should not vote on this request
Mr. Schrieks	no
Mr. Avola	no
Mr. Inserra	yes

The applicant must come back for a hearing regarding the double stacking of the fence.

#### 2.) Changing the material of the fencing

##### Roll Call

Mr. Staine	yes
Mr. Gilson	yes
Mr. Gaciovano	yes
Mr. Pinto	yes
Mr. Schrieks	yes
Mr. Avola	no
Mr. Inserra	yes

The applicant has the approval of the board to change the material type of the fencing to PVC Privacy as shown to the board.

3.) Gate height of the fencing

Roll Call

Mr. Staine	yes
Mr. Gilson	yes
Mr. Gaciofano	yes
Mr. Pinto	abstained
Mr. Schrieks	yes
Mr. Avola	no
Mr. Inserra	yes

The applicant has the approval of the board to change the gated portion of the fencing to 4 feet high.

4.) Elimination of the low voltage lighting

Roll Call

Mr. Staine	no
Mr. Gilson	no
Mr. Gaciofano	no
Mr. Pinto	no
Mr. Schrieks	no
Mr. Avola	no
Mr. Inserra	yes

The applicant must come back to the board for a hearing regarding the low voltage lighting.

Mr. Wurms will write a letter to the zoning official stating that the board feels the type of fencing PVC Privacy and the height of the fence are de minimus changes and does not required any formal action from the board. The board does feel however that the stacking and lighting issues would require the applicant to request a new application. Mr. Avola questioned the dumpster area of the property would be enclosed with the PVC fencing and not a chain link fence.

The board members requested a 5 minute recess.

## Roll Call

Members Present: Mr. Staine  
Mr. Gilson  
Mr. Gaciofano  
Mr. Pinto  
Mr. Schrieks  
Mr. Avola  
Mr. Inserra

Also Present: Zoning Board Attorney Marcel Wurms  
Zoning Board Planner Michael Pessolano  
Zoning Board Engineer William Stimmel  
Zoning Board Secretary Marlene Muska

Members Absent: Mr. Paladino  
Mr. Bene

**Application:** 062308Z  
Lamborghini Dealership  
340 Essex Street  
Block 192.2 – Lot 5

Mr. Frank Luciano is the attorney for the applicant. Mr. Luciano provided Mr. Wurms with the certificate from the newspaper and the affidavit of mailing. The applicant is aware that the tax liability was not produced therefore approval of the application will be pending proof of the tax liability.

The applicant's first witness is John Bleeker the architect and professional planner. Mr. Bleeker reminded the board in 2004 they approved using the existing bank building as a Lamborghini dealership. In 2004 the property was leased and in May 2005 340 Essex Street LLC purchased the property from Mr. Rosen. (proof of deed shown to Mr. Wurms).

Mr. Avola questioned the deed regarding the 11 parking spaces and Mr. Luciano then stated in the 2004 application presented to the board the owner of the Lamborghini dealership leased the property from Mr. Rosen who owned National Wholesale Liquidators, there was a issue in presentation that related to parking spaces that were subject to the lease agreement. In addition part of the resolution stated that the land owner had to create a deed that restricted the use of property to the current tenant. In the deed there is a conveyancy of the "right of way" that accommodated the parking spaces in the lease agreement. The other issues what happened to the provision in the deed form the owner Mr. Rosen and the tenant. The property was purchased by the owner of the Lamborghini dealership. Mr. Avola questioned the 11 parking spaces as a separate piece of property, and Mr. Luciano stated Mr. Triarsi owns the "right of way" as stated in the deed between National Wholesale Liquidators and 340 Essex Street LLC (copy of the deed attached to original minutes on file in the zoning office). The "right of way" now belongs to the

applicant. The lessee in the lease agreement was Classic Motor Car LLC which was owned by Mr. Triaris the owner of 340 Essex Street LLC.

There was a discussion regarding the original resolution and the board stated this was suppose to be a Lamborghini dealership and not sell any other vehicles other then Lamborghini's.

The board took a 5 minute recess.

#### Roll Call

Members Present: Mr. Staine  
Mr. Gilson  
Mr. Gaciofano  
Mr. Pinto  
Mr. Schrieks  
Mr. Avola  
Mr. Inserra

Also Present: Zoning Board Attorney Marcel Wurms  
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Members Absent: Mr. Paladino  
Mr. Bene

We now heard testimony from Mr. Bleeker stating Lamborghini International would like the dealership to upgrade to the Lamborghini standards and the existing building was a bank and since the dealership is working in the area the applicant would like to square off the existing building which is 3480 square feet to 5400 square feet and also put up a second floor to the building. The footprint would be 5400 square feet. The applicant would like to build around the existing building to limit down time of the dealership. The structure would be a steel frame, it would have aluminum insulated panels and a sleek look. The second floor would be used as storage for the Lamborghini or vintage used cars. No customer would be allowed on the second floor. The vintage used cars would be Maserati's, Ferrari's and or Lamborghini's. Lamborghini only allows their cars in their showroom.

There will be no change to the parking and or two existing curb cuts. The board's planner report states there is a conflict with cars using the east side of the building using the service bays. The applicant feels there really is no conflict and if the board would allow the applicant to put in speed bumps in the area they have no problem putting them in.

The requirements by Lamborghini International are to up date the service area, however according to the original resolution no major repair work was to be done. The applicant would like to put in 4 additional bays for service, the one bay there is used to wash and detail the cars.

Drainage is not an issue as the land is mostly impervious; the applicant would like to remove the landscaping which would slightly increase the pervious area, but no increase the drainage.

The surrounding properties are antiquated and this will only improve the area. The zoning ordinance will not be impaired.

Mr. Gaciofano questioned the fenced in area in the back of the building. This is a leased piece of property this is a transitional area if vehicles breakdown and need to be towed to the site.

Members of the board brought up different violations to the existing resolution. Vehicles for sale outside – repair work done in the bays – the storage area in the back used for used cars – the signage used.

Mr. Gilson questioned the building of the new building around the existing building and the approximate building of the new building will be between 8 and 10 months.

Mr. Staine questioned the 5400 square foot of the building which will require approximately 64 parking spaces. Mr. Bleeker feels the amount of parking spaces is not required as when a person is interested in purchasing a Lamborghini an appointment must be made to view the cars in the showroom. Mr. Staine also questioned the removal of the landscaping and questioned if it is possible to do some landscaping along the right of way. The applicant has no problem with landscaping along the right of way as long as they have approval from the Bergen County Planning Board. Mr. Staine also questioned if a sprinkler system would be installed in the building.

Mr. Schrieks questioned the fact that if the application is not approved Lamborghini International will pull the dealership from Mr. Triaris. Mr. Bleeker did not want to offer that statement into testimony but since a board member asked yes Lamborghini can pull the dealership from the applicant.

Mr. Gaciofano then questioned the banners that are used – it is in violation of the existing resolution, however Lamborghini requires it now that the building is so low. Once the new building is in existence the banners will not be required as the logo will be high enough to be seen.

The board requested a 5 minute recess.

#### Roll Call

Members Present:     Mr. Staine  
                              Mr. Gilson  
                              Mr. Gaciofano  
                              Mr. Pinto  
                              Mr. Schrieks  
                              Mr. Avola  
                              Mr. Inserra

Also Present:           Zoning Board Attorney Marcel Wurms  
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Members Absent:      Mr. Paladino  
                          Mr. Bene

Mr. Pessolano, the zoning board's planner is well aware of the feeling the board has shown about the previous resolution and how the applicant is not adhering to the resolution. He asked the board to consider the application that they have in front of them at this present time.

Mr. Pessolano questioned behind the building is it leased, there is no evidence of the lease. The applicant will provide the lease between him and Mr. Rosen. If the lease is terminated there is no storage area. Mr. Pessolano requested the landscaping on the right of way on Essex Street; the applicant would like to keep things the same as to not have conflict with the Bergen County Planning Board's approval, but would look into the landscaping along the right of way. Mr. Pessolano was concerned about the construction of the building with the cranes and Mr. Inserra feels there will be no problem putting up the shell and then removing the existing building. The negative criteria – the applicant before was a new dealership – now you are requesting 5 bays.

Mr. Stimmel the boards engineer asked the applicant if they received the letter dated 8/8/08 and they will comply with all the requirements stated by the engineer and the planner. Mr. Stimmel's concern was the roof runoff the applicant stated new leaders will tie into he existing catch basin.

Mr. Wurms just wanted to set the record straight and asked the actual number of owners of the property. The subject lot (building) and right of way is owned by one owner Mr. Triarsi (340 Essex Street LLC) the transitional rear of the building is another owner Mr. Rosen. Mr. Wums would like a copy of the easement. Mr. Wurms would also like to clarify the terms "used" cars from a dealer to an individual to another individual with or without mileage. "Technical Used Cars" we will consider as a car with no mileage and the "Traditional Used Cars" as cars with mileage. The applicant at this time wants to sell both types of cars.

Mr. Avola stated he did not want the Lamborghini dealership to look like a Route 46 used car dealership.

Mr. Inserra asked if anyone from the audience wished to question Mr. Bleeker.

Mr. Thomas Palumbo  
321 Westervelt Place  
Lodi

Questioned the necessity of the 5 bays as there is not suppose to be major repair work done at the facility. He questioned the second floor containing used and new cars. How many cars per year does the dealership receive? And how many spaces will be permitted on the second floor. Mr. Palumbo was the only one from the audience that wished to question the applicant.

Mr. Pinto then questioned the work that will be done at the facility will be warrantee work.

Mr. Avola asked if the applicant considered reducing the height of the building, but due to the construction process that can not be done.

Mr. Inserra advised the applicant that our next meeting will be Thursday, October 23, 2008 at 7:30 p.m. and all the applicant has to do is re-advertise and produce the advertisement the night of the meeting.

Mr. Triaris then tanked the board for consideration at this time.

**New Business:**

Mr. Inserra was looking for someone to make a motion pertaining to special meetings. Mr. Avola made a motion and this motion was seconded by Mr. Schriecks. The applicant must come before the board to ask for a special meeting and the applicant must come before the board to cancel the special meeting. If the applicant is requesting a special meeting they must come before the board at a regular meeting. All members present voted in favor of the motion.

**Old Business:**

Mr. Inserra advised the board of a resolution from June 2007 regarding

Mr. Becker  
255 Westminster Place  
Block 53 – Lot 67

Mr. Wurms read from the resolution written by Mr. Bernhammer regarding the denial of the application. The application was to build a duplex on an undersized lot. There was a motion to accept the resolution denying the application by Mr. Avola, seconded by Mr. Staine, all members in attendance voted in favor of the resolution.

Motion to adjourn by Mr. Staine.