WEST CALDWELL PLANNING BOARD
CONFERENCE MEETING MINUTES

March 14, 2022

A Conference Meeting of the Planning Board of the Township of West Caldwell was held on March 14, 2021 at 7:10 p.m. REMOTELY due to the fact that both the federal and state governments have declared a state of emergency in response to the outbreak of the COVID-19 virus. The platform ZOOM was used to allow for video and/or audio access to the meeting. Chairman Christopher Smith opened the meeting and read the opening statement.

ROLL CALL

Members Present: Chairman Smith, Vice Chairman McNamara, Mayor Tempesta, Councilman Docteroff, Richard Otterbein, Nikole Baltycki, Bryan Perez, Daniel Snider and Michael Failla

Members Absent: none

Advisors Present: Michael Rankin, Esq., Planning Board Engineer Ben Martorana, Daniel Bloch, P.P., AICP and Lynda Korfmann

APPROVAL OF MINUTES

The Minutes of the February 14, 2022 Conference Meeting were accepted by the Board members present who were entitled to accept them.

DISCUSSION

- Applications for completeness review and classification.

1. **PB22-02 Danielle Felter, The Roasting Room, 134 Central Avenue, Block 504, Lot 13, R-4 Zone District.** Applicant seeks minor site plan approval to occupy one of the units in the building to operate coffee roaster shop for retail and wholesale purposes. The existing building is a pre-existing, nonconforming commercial building in a residential zone which was approved by the Zoning Board of Adjustment under application 05-12 dated September 13, 2012. No variances are requested.

Applicant Danielle Felter appeared and explained her operations. She stated she proposes to open a coffee shop and tasting room/area to allow for the purchase of coffee that can be made at home. Beans will be roasted at the shop. She stated she would like to install a bar height counter with no more than six (6) stools. She stated espresso and coffee will be available for sale, but selling roasted coffee is the objective. She explained that the roasting process will take 12 minutes and the machine holds 5 pounds of coffee.

Councilman Docteroff asked if she plans on roasting the beans and then grinding them. She stated that is the process.

Chairman Smith asked if there is wholesale business. Ms. Felter stated retail sales are the focus of her business model, but she knows some brewing shops and will partner with them and roast beans for them. She stated her hours of operation are seven days a week 8:00 am until 4:00 pm. She anticipates 1-3 employees on site. She stated that Plainfield is home to the largest green bean distributor and she will

drive to that location and purchase the beans and bring them to the shop. She expects smaller deliveries as she is a small operation.

Chairman Smith asked about odors. She responded that there will be a slight odor, but not so pronounced and it dissipates quickly. She estimated that the odor lasts about 5 minutes of the 12 minute roasting cycle. She said she is purchasing a small roasting machine which has a small exhaust pipe that goes through the roof. She added that the pipe can be extended higher if needed. She further explained that she has worked at shops like this one that she proposes in Montclair that have been situated near or within a residential area and there never were any problems with odors. She stated the odor will be of burnt coffee during the roasting process.

Vice Chairman Otterbein asked about the prohibition of wholesale sales in the zone. Mr. Rankin stated he did not disagree with Vice Chairman Otterbein's concern. Vice Chairman Otterbein also commented about safety concerns with traffic and parking. Mr. Bloch responded that the building is a preexisting, nonconfirming operation that has been grandfathered in the neighborhood as a retail operation. Any replacement operations should be of similar scale and intensity as the original and subsequently approved uses. If the proposed limited wholesale operation does not increase the intensity of the operation, the Board will need to determine if that is permissible. Chairman Smith asked the applicant to provide an estimated percentage of operations for retail and wholesale and Ms. Felter responded that the retail sales will be 90% of her business and wholesale sale will not be present in the beginning and perhaps will reach 10% of her operations. She stated she could operate without wholesale sales if the Board were to require it. She stated with the size of the roasting machine she is purchasing, she will not be able to accommodate much wholesale business since it is a small machine. Mr. Martorana asked if it was fair to say that her customers likely will be spread out over the day unlike a traditional coffee shop. The applicant responded in the affirmative. She added that she would like to serve and sell coffee everyday, but the location is not great for that type of business in her opinion due to the reduced traffic that is in the area. Mr. Martorana noted that this element of location will limit her business in the area and her business may be watched and parking likely will limit her operations since if someone cannot find a parking space close, the person likely will not stop. Mr. Martorana commented that this aspect of the location may allow for its own regulation of the business. The applicant stated that her business model is not to serve as many people as possible, rather it is a niche business to serve less people so they enjoy the freshly roasted coffee.

Mr. Snider stated he thought that a laundromat used to operate in this space and asked if there was a traffic problem with that use. The applicant stated she did not know. Mayor Tempesta commented that over the years the Township has reached out to Essex County to discuss the traffic patterns on that county road and possibly limiting parking to one side of the street. No changes were made by the County. Mayor Tempesta agreed with Mr. Martorana that he believes human nature being what it is, someone will drive by and look for a close spot and if none is available, they may circle the block once to come back to look for a spot and if none is available, the person is not going to stop. Vice Chairman Otterbein acknowledged that the point Mr. Martorana made is reasonable, but he worries if the use becomes more intense than what is expected because of safety concerns.

Mr. Failla asked if the applicant will be able to serve a lot of people and also asked if roasting is different than brewing. Ms. Felter responded that the process is a slow process to roast and then grind and then brew. She stated she hopes people will sit at the counter and sip and taste the coffee. Councilman Docteroff asked if she will be selling any sweets and she responded in the affirmative.

Mr. Bloch asked about the pipe that will extend through the roof. Ms. Felter explained it is part of the roaster to exhaust the fumes. One of the pages submitted in the application shows the pipe. Mr. Bloch

noted that it is better to keep it lower so it is not so noticeable. The Board agreed and noted it could be inspected by Mr. Bloch after installation.

Chairman Smith asked if anyone in the public had any questions or comments. No attendee used the Raise Hand feature or typed in the chat.

Mayor Tempesta stated he thought a referral to the Minor Site Plan Committee was appropriate if the applicant provided a thorough Certification as to operations and conformance to performance standards because then any issue would become an enforcement issue. Mr. Snider asked about notice to residents within 200 feet and the Board responded notice would not be necessary with a referral to the Minor Site Plan Committee.

Chairman Smith commented that he had no objection to a referral of this matter to the Minor Site Plan Committee and the Board had no objection to this recommendation.

2. **PB22-03 Frimpeks, Inc., 15 Patton Drive, Block 1201, Lot 11, M-1 Zone District.** Applicant seeks minor site plan approval to occupy the entire building as office, light manufacturing (mixing and slitting operations), distribution, shipping and warehousing. Operations involve pressure sensitive label stock, coatings and ink materials. No proposed changes to the exterior or interior of the spaces. No variances are requested.

Michael Lipari, Esq., counsel for the applicant, appeared on behalf of the applicant. He provided an overview of the application. He stated that the applicant currently operates in Fairfield and wishes to relocate its headquarters to West Caldwell. The space previously was occupied by Atlantic Zeizer who ran a similar operation. This applicant proposes no changes to the building on the exterior or the interior. Hours of operation will be 7:00 am until 8:30 pm. There will be 12 employees to start and it may grow the business to have 25 employees. The existing parking is sufficient.

Chairman Smith asked if the applicant submitted a certification as to conformance with performance standards and the attorney affirmed that this was submitted. He asked if there will be overnight storage of vehicles and the applicant's attorney responded in the negative. The attorney noted there are 99 spaces and 29 are striped on the site plan in the front and side of the property. Mr. Bloch commented about this discrepancy. He stated a prior approval suggests there were 99 spaces approved. Mr. Martorana commented that the owner must comply with whatever site plan was approved and if 99 spaces were approved, then the owner needs to restore the parking lot to have that number of spaces. Mr. Bloch noted the driveway area is paved – it just is not striped. The owner may need to add striping.

Mr. Martorana asked Amy Limpilin from Frimpek, Inc.to describe operations. She stated the company handles ink. No solvents are used on a regular basis as the company, which has been in the US since 2010 is environmentally conscious. She stated there is no repackaging. The company only buys and sells and there is clean up only if there is a damaged container. She added that the company even is careful to recycle printer ink packaging – separating plastic and paper portions.

Vice Chairman Otterbein asked if there are any changes to the exterior of the building such as rooftop equipment or other equipment and the applicant responded in the negative. Vice Chairman Otterbein stated that if any such changes are considered in the future, the applicant needs to come to Township professionals for evaluation first. Vice Chairman Otterbein also asked if there will be any outside storage and the applicant responded in the negative. He asked about the 2 dumpsters on site as shown on the plan and the applicant stated neither will be used by the applicant. Mr. Bloch stated the prior approved site plan can be reviewed and the owner notified of any inconsistencies and any conditions to be corrected.

Chairman Smith asked if anyone in the public had any questions or comments. No attendee used the Raise Hand feature or typed in the chat.

Chairman Smith commented that he had no objection to a referral of this matter to the Minor Site Plan Committee and the Board had no objection to this recommendation.

3. PB22-05 PB22-05 Chirag Patel, 905 Bloomfield Avenue (Essex Mall), Block 1504, Lot 1, B-2 Zone District. Applicant seeks minor site plan approval to occupy a storefront for a pediatric dentist office. The space previously was occupied by AAA Auto. Interior changes proposed as noted in the submitted drawings. No exterior proposed changes to the building. No variances are requested.

Priscilla Triolo, Esq. appeared on behalf of the applicant and explained her client is Chirag Patel and his business is Little Molars, LLC. The applicant seeks to occupy the space previously occupied by AAA Auto for a pediatric dentist office. The sign will change and will be compliant. There are not exterior changes proposed other than the sign. The existing parking is adequate for the applicant's use. The applicant anticipates 4 employees (one dentist, one hygienist, two office staff). The applicant has certified that operations will conform to performance standards. Medical waste will be disposed of in a closed container by a private company. Mr. Chirag Patel appeared as well and explained his hours of operation will be Monday through Friday, 8:00 am until 6:00 pm and some emergencies and an occasional Saturday. Initially, office hours will be 3 days a week. The layout of the office will be compliant with the pandemic guidelines since restrictions remain in place. Patients remain in their car until called. There will be a waiting room and family room. The waiting room likely will be vacant for now. The family room allows multiple children and a parent to remain together for treatment.

Mr. Martorana asked about the two chairs in the layout and Dr. Patel responded that the chairs will be spaced in the waiting room.

Chairman Smith asked if the applicant would install signage on the inside to advise that pick up and drop off cannot be done by blocking the existing fire lanes. The applicant agreed. Chairman Smith suggested that the applicant contact the Police Department to verify any other language recommended.

Chairman Smith asked if anyone in the public had any questions or comments. No attendee used the Raise Hand feature or typed in the chat.

Chairman Smith commented that he had no objection to a referral of this matter to the Minor Site Plan Committee and the Board had no objection to this recommendation.

4. PB20-07 Ukraine Express, Inc., 235 Fairfield Avenue, Block 1402, Lot 13, M-1 Zone District. Applicant seeks amended final site plan approval to modify Conditions 11 and 15 of the Resolution for application PB18-16, approved on May 13, 2019 and memorialized June 10, 2019. Applicant seeks to amend Condition 11 to allow for an alternative gasoline handling procedure which gasoline canisters will not be stored overnight at the property, but rather either will be picked up by an outside vendor each night or dropped off by an employee to a gasoline recycling center. Applicant seeks to amend Condition 15 to allow for overnight parking of vehicles more than 30 feet in length not an approved loading dock. Variance relief is required for overnight parking, Section 20-23.3.c.

The applicant was notified of code violations dating back to July, 2019 following Board approval for PB18-16 in May, 2019. The applicant was summonsed to appear before the West Caldwell municipal court to respond to the violations and the Court agreed to dismiss the action to allow the applicant to file

an application with the Planning Board to request variances and/or amendments to the Resolution of approval from May, 2019. In July, 2020 the applicant filed an application for development PB20-07. The applicant and its counsel appeared before the Board at a Conference Meeting on May 10, 2021 at which time the Board determined that the application was incomplete and advised the applicant what additional documentation was required. The Zoning Official has reached out several times the applicant's counsel Robert Podvey to request an update on the additional documentation required from the application – on December 22, 2021 and January 4, 2022 with no response. On January 10, 2022 the Board Attorney Michael Rankin reached out and spoke with Mr. Podvey regarding the pending matter. On February 7, 2022,Mr. Podvey submitted and email communication indicating that the applicant would submit supplemental documentation that month. As of beginning of March, 2022, no further communications have been received from the applicant and 298 days have elapsed since the Conference meeting in May, 2021. Pursuant to West Caldwell Ordinance Section 18A-9.2 and Planning Board Rules and Regulations 12-5, the Board may dismiss the matter without prejudice.

The Board reviewed this incomplete, pending matter and agreed to dismiss it without prejudice based upon the lack of prosecution by the applicant. The Board noted that the applicant's counsel has been contacted on several occasions and represented documents would be submitted, but nothing has been received.

MINOR SITE PLAN COMMITTEE

1. **PB22-01 Ivy Rehab West Caldwell, LLC, 780 Bloomfield Avenue, Block 2101, Lot 2, B-3 Zone District.** Applicant seeks minor site plan approval to operate a physical therapy business in one of the storefronts at the West Caldwell Plaza mall (storefront previously occupied by AT&T). No variances are requested. Approved with conditions.

SIGN COMMITTEE REPORT

PBS-22-006, PBS-22-007, PBS-22-008, BPREP 10 Patton, LLC, 10 Patton Drive, Block 1201, Lot 12, M-1 Zone District. Application PBS-22-007 was withdrawn by applicant. Applications PBS-22-006 and PBS-22-008 for a wall mounted "10" sign – approved with conditions.

PBS-22-009 AT&T, 780 Bloomfield Avenue, Block 2101, Lot 2, B-3 Zone District. Approved with conditions.

INVITATION FOR ADDITIONAL DISCUSSION

Draft of Master Plan Reexamination Report by Colliers Engineering - review with the Planning Board to discuss any recommendations to be included in the report. Appoint Committee for Master Plan Review.

The Board agreed to create a subcommittee of three members – Ms. Baltycki, Vice Chairman Otterbein and Councilman Docteroff to review matters and make suggestions to the Board. Mayor Tempesta noted that the R-9 Zone needs to have the height of permitted structures reviewed as the set height of 25 feet seems incorrect. Mr. Bloch agreed to send out a proposed calendar of events for the subcommittee to review.

ADJOURNMENT

The meeting adjourned at 9:22 p.m.

Respectfully submitted,

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Lynda Korfmann
Secretary to the Planning Board

WEST CALDWELL PLANNING BOARD
PUBLIC MEETING MINUTES

March 14, 2022

A Public Meeting of the Planning Board of the Township of West Caldwell was held on March 14, 2022 at 7:02 p.m. REMOTELY due to the fact that both the federal and state governments have declared a state of emergency in response to the outbreak of the COVID-19 virus. The platform ZOOM was used to allow for video and/or audio access to the meeting. Chairman Christopher Smith opened the meeting and read the opening statement.

OPENING STATEMENT

ROLL CALL

Members Present: Chairman Smith, Vice Chairman Otterbein, Mayor Tempesta, Councilman Docteroff, Nikole Baltycki, Daniel Snider, Bryan Perez and Michael Failla

Members Absent: none

Advisors Present: Michael Rankin, Esq., Planning Board Engineer Ben Martorana, Daniel Bloch, P.P., AICP and Lynda Korfmann

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

The Minutes of the February 14, 2022 Public Meeting were approved by the Board members present who were entitled to vote on the Minutes. (6-0-1)

RESOLUTIONS

1. PB21-22 StockX, LLC, 5 Dedrick Place, Block 1500, Lot 13, M-2 Zone District. Applicant seeks preliminary and final major site plan approval to operate an e-commerce business in building A. No variances are requested. In accordance with the terms of the Resolution issued by the Planning Board for application PB19-07, general site plan approval and subdivision approval was granted for the property as a whole, but said approval includes a condition that when a tenant is identified, a site plan application must be filed with the Planning Board to provide testimony and detailed plans regarding the proposed operations, including user specific parking demands, and compliance with the Township performance standards and all other applicable requirements, as well as addressing the comments of the referrals of the Township's Agencies and Municipal Officials submitted in response to that application. The applicant submitted the application to comply with that Resolution condition. Approved with conditions 6-0-1

2. PB21-23 Megadyne America, LLC, 5 Dedrick Place, Block 1500, Lot 13, M-2 Zone District. Applicant seeks preliminary and final major site plan approval for offices, storage and distribution of power transmission belts, accessories and fluid power hose assembly in building B. The building also will be a center of distribution channel business where customers and visitors will gather for business meetings. No variances are requested. In accordance with the terms of the Resolution issued by the Planning Board for application PB19-07, general site plan approval and subdivision approval was granted for the property as a whole, but said approval includes a condition that when a tenant is identified, a site plan application must be filed with the Planning Board to provide testimony and detailed plans regarding the proposed operations, including user specific parking demands, and compliance with the Township performance standards and all other applicable requirements, as well

as addressing the comments of the referrals of the Township's Agencies and Municipal Officials submitted in response to that application. The applicant submitted the application to comply with that Resolution condition. Approved with conditions 6-0-1

HEARINGS

None

INVITATION FOR ADDITIONAL DISCUSSION

Courtesy Review: **Essex County College, 730 Bloomfield Avenue, Block 2101, Lot 1, B-3 Zone District.** Proposed new construction of building. Essex County College asked that postpone this Courtesy Review until revised plans are available.

ADJOURNMENT

The meeting adjourned at 7:10 p.m.

Respectfully submitted,

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Lynda Korfmann, Secretary to the Planning Board