WEST CALDWELL PLANNING BOARD
PUBLIC MEETING MINUTES

April 11, 2022

A Public Meeting of the Planning Board of the Township of West Caldwell was held on April 11, 2022 at 7:00 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 and Daniel Snider

Members Absent: Bryan Perez and Michael Failla

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

RESOLUTIONS

Minor Site Plan Committee decisions:

1. **PB22-02 Danielle Felter, The Roasting Room, 134 Central Avenue, Block 504, Lot 13, R-4 Zone District.** Approved with conditions. (2-1-0).

2. **PB22-03 Frimpeks, Inc., 15 Patton Drive, Block 1201, Lot 11, M-1 Zone District.** Approved with conditions. (3-0-0)

3. **PB22-05 PB22-05 Chirag Patel, 905 Bloomfield Avenue (Essex Mall), Block 1504, Lot 1, B-2 Zone District.** Approved with conditions. (3-0-0)

INVITATION FOR ADDITIONAL DISCUSSION

Discussion regarding Township Ordinance 1857 – Ordinance Amending and Supplementing Chapter 20 "Zoning" Attached 1 "Schedule of Height, Area, Bulk and Other Requirements" to Amend the Permitted Building Height Within the R-9 Multi-Family Residence Overlay District.

Vice Chairman Otterbein commented about the fact that many of the new overlay zones allow 90% coverage and he inquired if stormwater retention within the property has been required due to recent stormwater issues in the Township. Mr. Bloch noted that while he did not draft the legislation, all construction must meet DEP and

Township regulations. Mr. Martorana commented that the Master Plan Subcommittee should consider this issue during a meeting. He added that this proposed ordinance will be similar to the others meaning that they will not be consistent with the current Master Plan since the new housing plan has not yet been adopted. The Master Plan Subcommittee is working on a new Master Plan. Mr. Martorana noted that the motion needs to be broad to reference the ongoing review process to achieve consistency. Motion that the Planning Board finds that the proposed ordinance 1857 seeking to amend a previously adopted ordinance to change the height and number of stories permitted (25 feet to 40 feet and 2 ½ stories to 3 stories) is not consistent with the current Master Plan. Motion moved by Vice Chairman Otterbein, seconded by Ms. Baltycki. Approved (6-0-0).

Chairman Smith called for public input and no one appeared via Zoom.

Michael Rankin, Esq., the Board Attorney raised the issue regarding the Order Imposing Scarce Sewer Resource Restraints, Requiring Submission of Sewer Capacity Analysis and Appointing Special Master to Oversee Sewer Plan dated March 14, 2022 entered after an application with the Court filed by Fair Share Housing Center in Essex County Law Division (ESX-L-3999-16). The Board discussed the Order and noted that every applicant will have to be notified of this condition and require applicants to submit a letter to the Court and obtain approval. This item will be added to the application for development. The Mayor noted that he will ask the Township attorney to submit a letter to the court asking for clarification and explain the impact on regular commerce in the Township for simple tenancy changes.

ADJOURNMENT

The meeting adjourned at 7:24 p.m.

Respectfully submitted,

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Lynda Korfmann, Secretary to the Planning Board

WEST CALDWELL PLANNING BOARD
CONFERENCE MEETING MINUTES

April 11, 2022

A Conference Meeting of the Planning Board of the Township of West Caldwell was held on April 11, 2022 at 7:24 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 Otterbein, Mayor Tempesta, Councilman Docteroff, Nikole Baltycki, and Daniel Snider

Members Absent: Bryan Perez and Michael Failla

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 March 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. **PB22-07 Dan Marc Inc., 10 York Avenue, Block 1201, Lot 15, M-1 Zone District.** Applicant seeks minor site plan approval to occupy 50% of the building as office, appliance parts and distribution and warehousing. No proposed changes to the exterior and only racking system on the interior of the space. No variances are requested.

John Dusinberre, Esq., attorney for the applicant Dan Marc, Inc. appeared. He explained that his client is an existing tenant in town and wishes to remain in town. He obtained approval from the Minor Site Plan Committee in 2017 to occupy a portion of 40 Fairfield Place. There are no real changes in the operations; rather, the applicant needs more space for warehousing and seeks to occupy half of the building at 10 York Avenue. Mr. Dusinberre noted that he appeared before this Board in June, 2021 with a tenancy application for the other half of this building for Superior Printing Ink Co., Inc. He noted the lost is about 119,000 square feet and the building is about 36,000-38,000 square feet. Dan Marc Inc. seeks to occupy half of the space with same number of employees (38) as currently exist at his operation on Fairfield Place. He stated there are 110 parking spaces in the lot and the landlord allocates 55 spaces to this space. Superior Ink only needs about 15 spaces. He added that parking calculations were submitted and 20 spaces were allocated to Superior Printing and 40 spaces for Dan Marc (added buffer even though there are only 38 employees). Mr. Dusinberre stated deliveries will be in the rear at the 2 existing loading docks. He noted some 53 foot trailers will deliver parts and appliances. The operation repairs appliances, mostly Whirlpool appliances. The company has trucks, but each vehicle goes home with the operator so not stored on site. Dan Verschelieiser, owner of Dan Marc, Inc. was present. Mr. Dusinberre stated that

the site plan submitted and the floor plan submitted are old, but accurate.

Chairman Smith asked if all work will be performed inside and the applicant stated it would be.

Vice Chairman Otterbein stated his application lacked signatures and the Board Secretary noted that a signed copy was in the file and delivered after the application was sent to the Board. He also asked about the 78 service representatives and if they all would ever be on the site. The applicant responded that all of the representatives would not be on the site at the same time. And the trucks for each of these representatives remain housed at the person's home. Mr. Dusinberre stated that there will be 6 trucks on site. One service van is a standby and 5 other smaller trucks to move material.

Vice Chairman Otterbein asked if this re-occupancy is effected by the sewer Order. Mr. Dusinberre responded he thought it was not covered since there is an existing space and the applicant is operating in an approved way for what the sewer system was designed. He added the applicant is not changing the configuration of or increasing capacity and should be grandfathered. Chairman Smith stated he believes the applicant must submit a letter to the Court and obtain clearance. Mayor Tempesta agreed, but added that he will ask the Township attorney to submit a letter for clarification for re-occupancy applications in the Township.

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 stated he thought a referral to the Minor Site Plan Committee provided the applicant provide a letter to the Court regarding the sewer with a copy to the Board and a copy of an approval or clearance letter from the Court. Vice Chairman Otterbein asked the applicant to confirm that there will be not change to the outside of the building and no new equipment and the applicant confirmed this information. The Board had no objection to this referral.

SIGN COMMITTEE REPORT

None.

INVITATION FOR ADDITIONAL DISCUSSION

Draft of Master Plan Reexamination Report by Colliers Engineering – Review from Subcommittee for Master Plan Review. Vice Chairman Otterbein provided a summary of their meeting. Mr. Bloch also pointed out that the Subcommittee should consider several vacant sites in town to determine if an overlay zone in those areas should be considered. Mayor Tempesta agreed.

Chairman Smith also discussed meeting in person. The Board discussed hybrid meetings and Mayor Tempesta noted that the Township does not have the technology in place at the time and the budget does not support this technology currently. Chairman Smith suggested possibly a return to in person meetings in July and the Board agreed.

ADJOURNMENT

The meeting adjourned at 8:22 p.m.

Respectfully submitted,

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Lynda Korfmann
Secretary to the Planning Board