WEST CALDWELL PLANNING BOARD
CONFERENCE MEETING MINUTES
April 10, 2023

A Conference Meeting of the Planning Board of the Township of West Caldwell was held on April 10, 2023 at 7:34 p.m. in person. Chairman Smith opened the meeting and read the opening statement.

ROLL CALL

Members Present: Chairman Smith, Vice Chairman Otterbein, Councilman Docteroff, Ms. Baltycki, Mr. Snider, Mr. Failla and Mr. Balzer

Members Absent: Mayor Tempesta and Mr. Tempesta

Advisors Present: John Keane, Esq., Ben Martorana, Daniel Bloch, P.P., AICP and Deborah Gill

APPROVAL OF MINUTES

The corrected Minutes of the March 13, 2023 Conference Meeting were accepted by the Board members present who were entitled to accept them.

DISCUSSION

1. PB23-03 Broadway Belvedere, LLC 777-787 Bloomfield Avenue, Block 1000, Lot 2 (B-3 Zone District)
proposed modification of the existing building by shifting the demising wall between two existing tenant spaces, creating one larger tenant space and a smaller adjacent tenant space. No change in overall floor area.

Chairman Smith reviewed the applicant's request.

Larry Calli, Esq., was present and reviewed their requests to expand the space occupied by Soho Nails. Soho Nails received an approval in October 2022. The Health Department required a sink, so they asked for additional space. It is variance free. It is an additional 600 square feet to put in the sink needed for the Health Department requirement. No change of use. No new services. No additional taxing on parking.

Mr. Bloch asked if the sink is in the proposed yellow area shown on the plans or will it be a new one.

Corey Buchholz, Architect was present. He said the sink is in addition to the restroom and not shown. It is outside of the restroom in the general area.

Chairman Smith said it can go to Minor Site Plan for review. We will get back to him.

Vice Chairman Otterbein said the memo from Bill Wallace says that nano feathering is tattooing but the Board has agreed it is not a tattoo parlor it is an ancillary service.

Mr. Bloch said there is no change to the prior approval.

Chairman Smith said they will have to address that.

Vice Chairman Otterbein said it is not to become the major aspect of service.

2. PB23-05 Quartzy, Inc., 12 York Avenue, Block 1201, Lot 14 (M-1 Zone District)
Applicant seeks a change of tenancy to operate a warehouse fulfillment center for their lab supply products and equipment with office space.

John Dusinberre, Esq. was present and stated the applicant is seeking a Minor Site Plan approval. He hopes the submitted application is complete.

Chairman Smith asked if the property is empty.

Mr. Dusinberre said yes. The applicant is looking to have a lab equipment distribution center. They are based in California and have a location in Pine Brook. The Pine Brook location is a third of the size of this space. They bring in their own products, break them down and ship them out. There are 10 employees and may go to 20. The certification of parking has 3 handicap spaces not 4 would need to submit a corrected one. He consulted with John Medina who came out to the facility and had no comments. The Health Department had questions and he will amend the statement of purpose to address those questions.

Chairman Smith asked no mixing or changing just packing.

Mr. Dusinberre said yes. Traffic is no more than 4-8 deliveries a day. No trip generation. All listed in statement of purpose. No vehicles owned. No change of office and warehouse.

Chairman Smith asked if they would be the only tenant.

Mr. Dusinberre said they would be the only tenant.

Chairman Smith asked about roof top equipment.

Mr. Dusinberre said no, if signs they will do it.

Chairman Smith said signs are separate.

Mr. Dusinberre said there is no overnight parking. He has reviewed the referral reports and asked about the DPW comment on the back flow water preventer needed.

Chairman Smith said all require it now.

Mr. Dusinberre said fine. He sees the Health Department had questions. He will add it to the statement of purpose and provide a revised statement of purpose. He will include a copy of an invoice to Pine Brook which shows a couple of things that are sensitive.

Chairman Smith asked if it will be 100% of the building.

Mr. Dusinberre yes and mentioned Mr. Bloch's report page 3 number 1. He is working on getting it signed and cleared up.

Chairman Smith asked Mr. Bloch if it is needed before action.

Mr. Bloch said yes.

Mr. Dusinberre said It is the owner's name. Yon Woo Sung. It is his family's trust. They only need it on the Quartzy side. The second comment confirms a permitted use. The statement of purpose says that. The parking you can look at the site plan and the number of employees. The rooftop is none. Mr. Medina has reviewed it and had no comments.

Mr. Dusinberre said there was no outdoor storage. The signages is addressed and parking he thinks is less of a lift than others.

Chairman Smith asked Mr. Bloch if this is ok. Mr. Bloch said yes.

Mr. Martorana said there is a substantial list of materials. Mr. Medina had no issues and satisfied him. If not going to hearing, he wants a certification or affidavit from someone with expertise in the handling of the materials.

Mr. Dusinberre asked not from the owner.

Mr. Martorana said absent the owner being an expert and asked the attorney for guidance.

Mr. Keane said he would have look into it.

Mr. Dusinberre said previously they had the owner/applicant sign because who do you go back to if they are seeking information. Better to chase the applicant than engineer.

Mr. Martorana said they do not want to chase anyone.

Mr. Dusinberre said he can have a professional sign it and a companion agreement signed by the owner.

Mr. Martorana said that is what we have in the package.

Mr. Otterbein said he spoke to Mr. Medina who said they are amounts that are small enough that could be handled and that satisfied him.

It was sent to Minor Site Plan.

SIGN COMMITTEE REPORT

PBS-23-001 through PBS-23-009 Citizens Bank, 820 Bloomfield Avenue, Block 2100, Lot 4, (B-3 Zone District) Approved with conditions.

PBS-23-010, Teresa's Dog Grooming, 134 Central Avenue, (Block 504, Lot 13) (R-4 Zone District) Approved with conditions.

PBS-23-011, Penta International, 4 Dedrick Place (Block 1500, Lot 12) (M-2 Zone District) Approved with conditions.

INVITATION FOR ADDITIONAL DISCUSSION

Vice Chairman Otterbein asked about updated MLUL books for the Board Members.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Respectfully Submitted,

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Deborah Gill
Secretary to the Planning Board

WEST CALDWELL PLANNING BOARD

PUBLIC MEETING MINUTES

April 10, 2023

A Public Meeting of the Planning Board of the Township of West Caldwell was held on April 10, 2023 at 7:02 p.m. in person.

ROLL CALL

Members Present: Chairman Smith, Vice Chairman Otterbein, Councilman Docteroff, Ms. Baltycki, Mr. Snider, Mr. Failla and Mr. Balzer

Members Absent: Mayor Tempesta and Mr. Tempesta

Advisors Present: John Keane, Esq., Ben Martorana, Daniel Bloch, P.P., AICP and Deborah Gill

APPROVAL OF MINUTES

The Minutes of the March 13, 2023 Public Meeting were approved by the Board members present who were entitled to vote on the Minutes. (5-0-0)

RESOLUTIONS

None.

HEARINGS

1. PB22-23 Bank of America 597 Passaic Avenue (Block 1503, Lot 4) (B-3 Zone District)
proposed Exterior renovations, including asphalting/grading, concrete curbing, 6" concrete pad for new trash enclosure w/ white vinyl fence, façade improvements, relocation of wall mounted lights, repair roof, new landscaping, and upgrade signage to replace existing.

Thomas Letizia, Esq. was present to represent the applicant.

Chairman Smith asked for confirmation that the exhibits are A-1 through A-11 and B-1 through B-8 which was confirmed.

Mr. Letizia reviewed the property and stated that Bank of America has been there since 2004. He stated in October 2022 they received a sign approval from the sign committee for the Bank's national rebranding. Permits for the signage were issued last month. Last month they were before the Board for completeness. The Board asked for a lighting plan; however, they have confirmed that only two building mounted light fixtures are being replaced for change of fixture color. The illumination is the same as before. They are not changing the light level and do not believe a new lighting plan is necessary but will be happy to do so if the Board decides it is necessary. One of the Board members asked about the trash containers, and we will have some testimony on that this evening. They were advised the landscaping plan had to be forwarded to the environmental committee. Ms. Gill said the landscaping plan was forwarded to the environmental committee and she has not heard back.

Mr. Letizia reviewed Bank of America's request for minor site plan approval for minor improvements and a setback variance for a trash enclosure. He advised the Board that they have reviewed the March 7, 2023 memorandum of Mr. Bloch as well as the memorandums from the

water department and public works department and take no exception to their comments and recommendations.

Jacob Lewkowski, P.E. was sworn in. He reviewed his qualifications and titles and advised his license is current and was accepted by the Board as an expert engineer.

Mr. Lewkowski presented site plan that was marked into evidence as A-12 dated April 6, 2023. He reviewed the proposed changes, landscaping and the light fixtures to be replaced. He reviewed the variance request for the new trash enclosure and fence at the rear. This plan includes a 12 ½ x 11 concrete pad with 3 side fencing and a gate on the front. It will be big enough for 2 dumpsters, but Bank of America is only planning for one dumpster and one residential style container for recyclables. The variance comes where they are proposing for the enclosure at 41 feet from the rear where 60 feet is required. The rear neighbor is PSE&G and do not see any issues or negative impacts to the neighboring site and this brings it into compliance.

Mr. Letizia asked what the impact would be if they tried to comply to the 60' setback requirement.

Mr. Lewkowski said it would be impeding the circulation of the parking lot and cutting off parking. The enclosure is being built around where the dumpster sits today.

Chairman Smith asked if that is replacing the island there now. Right now, they are sitting on the island between the drive-up lanes and the parking. Where is the pad going to sit.

Mr. Lewkowski said the pad is going to sit on the edge of this existing isle, a concrete pad built in the grass where the dumpster sits today.

Chairman Smith asked so it will not be in the isle, it will be on the grass.

Mr. Letizia had no other questions.

Mr. Bloch said he had one correction. In the denial letter he references section 20-19.1 which says any accessory structure has comply with the side yard setback so the rear yard and side yard would be the same so it would be 30 feet and his review letter it says 60 feet and it should be 30 feet.

Vice Chairman Otterbein said it is really the rear right that is the issues it is 21 feet to the rear. What is the side. Looking at the plans it has to be at least 30 feet. Mr. Bloch said it is just the rear.

Vice Chairman Otterbein asked is there going to be any modification to the curbing there or any addition or change to the or blacktop. He asked if there would be any obstruction due to curbing or for a truck to it. Mr. Lewkowski said there will not be. There will be no obstruction. The intent is for full access by truck to the enclosure.

Mr. Bloch said his understanding is that the curb that is there will be cut and moved to allow access into the pad and then the curb around. Mr. Lewkowski said yes, cut to provide a flush entrance for the concrete pad but no curb. Mr. Bloch asked if there would be curbing around the other three sides. Mr. Lewkowski said he thinks that is the concrete flush with the grass. Vice Chairman Otterbein said it looks like curbing goes around the enclosure on the plans. Mr. Bloch said that was his understanding from the conference meeting that there would be curbing around the outside because isn't the grass and concrete at two different elevations. Mr. Lewkowski said if that is the case, they can do the curbing.

Councilman Docteroff asked if the gate is on the East side. Mr. Lewkowski said yes.

Mr. Martorana had no questions.

Chairman Smith asked if the public had any questions or comments and there were none.

Mr. Letizia concluded his presentation and hoped they would consider approving.

Vice Chairman Otterbein asked Mr. Letizia if he believes this variance can be granted without detriment to the public good and it is consistent with the Master Plan in West Caldwell.

Mr. Letizia said that he does believe that.

Chairman Smith asked if the public had any questions or comments and there were none.

Chairman Smith asked for a motion to close the hearing. Vice Chairman Otterbein made a motion and Councilman Docteroff seconded the motion.

Chairman Smith said believes when complete will look better than the current. The requirement went from 60 to 30 feet so he is satisfied.

Vice Chairman Otterbein said he thinks the case has been made for the variance. He believes it can be granted without substantial detriment to the public good. It advances the purpose of the zone. He plans to vote yes.

Chairman Smith asked if any other comments. There were none. He asked Mr. Bloch if he had a motion to read into the record.

Mr. Bloch offered a motion for the Board to consider:

WHEREAS, Bank of America (the "Applicant") has submitted Application No. PB22-23 to the Planning Board of the Township of West Caldwell ("Board") for site plan approval with variance relief for the property known as Block 1503, Lot 4, as shown on the Tax Maps of the Township of West Caldwell, having a street address of 597 Passaic Avenue, West Caldwell, New Jersey (the "Property"); and

WHEREAS, the Board, after carefully considering the evidence presented by the Applicant and having conducted a public hearing, has made the following factual findings:

1. The subject property is an 80,292-square foot (1.84-acre) parcel located along the west side of Passaic Avenue in the B-3 General Business District. The property is developed with an existing 4,898-square foot building currently occupied by Bank of America. The Applicant seeks minor site plan and variance approval for a proposed trash enclosure in the rear yard. The Applicant is proposing the installation of a trash enclosure within a 6-foot white vinyl fence on 12.5 feet by 11.2 feet concrete pad. The trash enclosure is setback 21 feet from the rear property line.

2. The Board has classified this Application as a minor site plan application with variance relief which requires public notice.

3. There are no taxes or assessments for local improvements due or delinquent on the subject property, and the Owner and the Applicant have presented an ownership disclosure statement as required by New Jersey statutes.

4. The Applicant presented evidence of having given the required notice to surrounding property owners within 200 feet of the subject property and to the public entities required to be noticed

at least 10 days prior to the hearing date. The Applicant also presented proof of publication confirming that the newspaper publication was made in accordance with legal requirements.

5. The Planning Board held a public hearing on April 10, 2023.

6. This Board has considered all documents submitted in connection with this Application and marked on the Evidence Marking as A-1 through A-12 and B-1 through B-8.

7. The Applicant was represented by Counsel, Thomas Letizia, Esq. and testimony was provided Nicholas Kaniewski, P.E. of Stonefield Engineering regarding the proposed site improvements.

8. Interested parties and members of the public were given adequate opportunity to ask questions of witnesses or provide comments or testimony on the application.

NOW, THEREFORE, the Findings and Conclusions of the Township of West Caldwell Planning Board are as follows:

1. Minor site plan: The Board finds that, with the conditions imposed, the Application does substantially meet all site plan requirements of Chapters 18A and 20 of the Revised General Ordinances of the Township of West Caldwell.

2. Variance: The application necessitates variance relief to permit a proposed rear yard setback of 21 feet, whereas Section 20-19.1 requires a rear yard setback of 30 feet for accessory structures in the B-3 District.

Based upon credible testimony provided, the Board finds that the "c(1)" hardship variance criteria has been satisfied. The property is uniquely affected by the configuration of the existing parking area at the rear of the property, which creates undue hardship for the applicant. The proposed variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zone ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of West Caldwell on this 10th day of April, 2023, that Application No. PB22-23, Bank of America, seeking site plan approval is hereby approved subject to the following conditions:

1. The Applicant shall be bound by and shall comply with the representations made in the testimony before the Board and all evidence presented to the Board in the prosecution of this Application.

2. The Applicant shall satisfy all recommendations within the referral reports of the Department of Public Works, Fire Official, Health Officer, Police Department, Construction Official, Township Engineer, and Zoning Official, as applicable.

3. The Applicant proposes to replace two of the existing wall mounted light fixtures from white to bronze to match the other existing fixtures. No other changes to the exterior site lighting are permitted without approval from the Planning Board.

4. The Landscape Plan shall be provided to the Environmental Commission for review and recommendation of approval by the Planning Board Minor Site Plan Committee.

5. The Applicant shall provide construction details of the curbing and concrete pad for review and approval by the Township Engineer.

6. The Applicant shall comply with all federal, state and local laws, rules and regulations and obtain any other governmental approvals required for the lawful implementation of this Site Plan.
7. All approvals, the issuance of construction permits and certificates of occupancy or approval are subject to all applicable laws of the State of New Jersey, any required governmental agency approvals, ordinances of the Township of West Caldwell and Rules and Regulations of the Planning Board.

Chairman Smith asked if there were any other questions or comments from the public. There were none.

Vice Chairman Otterbein made a motion to approve the proposed motion offered by Mr. Bloch, seconded by Councilman Docteroff. Approved with conditions (7-0-0)

MINOR SITE PLAN COMMITTEE DECISIONS

1. PB23-02 803 Caldwell LLC 803 Bloomfield Avenue, Block 1000, Lot 1, (B-3 Zone District)

Pursuant to Section 18A-9.1 of the Township Code and the Municipal Land Use Law (N.J.S.A. 40:55D-37), approval of site plans by resolution of the Planning Board, or waiver thereof, shall be required as a condition for the issuance of a permit for any development. Pursuant to N.J.S.A. 40:55D-4, development is defined as any of the following: the subdivision of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land. Additionally, the existing motor vehicle service station is a conditional use in the B-3 Zone District. Planning Board approval is required to certify compliance with the conditional use requirements pursuant to Section 20-17.12.

2. PB22-16, Classic Salon Suites, LLC, 750 Bloomfield Avenue, Block 2101, Lot 2, (B-3 Zone District).

Applicant seeks a change of use to operate a Hair & Beauty Salon in the West Caldwell Plaza shopping center in the space formerly occupied by Sky Club.

INVITATION FOR ADDITIONAL DISCUSSION

None.

ADJOURNMENT

The meeting adjourned at 7:33 p.m.

Respectfully submitted,

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Deborah Gill, Secretary to the Planning Board