WEST CALDWELL PLANNING BOARD

PUBLIC MEETING MINUTES

April 8, 2024

A Public Meeting of the Planning Board of the Township of West Caldwell was held on March 11, 2024, at 7:00 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. Failla, Mr. Snider and Mr. LaRocca

Members Absent: Mayor Tempesta, and Mr. Tempesta

Advisors Present: Robert Cosgrove, Esq., Ben Martorana, Jeffrey Betz, PE, MBA, CME, Daniel Bloch, P.P., AICP, and Deborah Gill

APPROVAL OF MINUTES

None.

RESOLUTIONS

None.

HEARINGS

1. **PB23-23 85C NJ LLC, 8 York Properties, 8 York Avenue, Block 1201, Lot 16, M-1 Zone District** The Applicant seeks a change of occupancy for a proposed baked goods manufacturing warehousing, and distribution use. Interior modifications are proposed. Applicant seeks N.J.S.A. 40:55D-70(c) variance(s) to as follows:

    1. **20-5.4: Minimum Percentage of Lot Width:** Required: 40%, Existing/To Remain: 25.8%.

    2. **Section 20-23.4: Parking:** Required: the greatest number of the below scenarios.
    1 sf of parking area per sf of floor area (= 29,260 sf – complies) or
    1 space per 300 sf of floor area (= 79.4 spaces) and where an office exceeds 20% of gfa, 1 space per 200 sf office (N/A) or
    1.1 spaces per employee at max shift (= 22 spaces – complies)
    Proposed: using the greatest requirement, 79.4 spaces are required, where 76 are proposed.

    3. **Section 20-23.5.d: Parking Stall and Aisle Dimensions – 60-degree spaces**.
    Required: space width 10’, Space length: 20’, Aisle Width: 18’
    Proposed: space width 10’, space length: 17’, Aisle Width: 18’

Larry Calli, Esq was present on behalf of the applicant.

Mr. Calli said the applicant is here as the contract purchaser of 8 York Avenue. The property is an oversized lot, nearly 3 acres in size, with frontage on York and Dougal Place. It is M-1 Zone district, designated for

limited manufacturing. It is an existing large 1 story commercial structure of about 30,000 square feet with adjacent parking loading area, none of that is changing by way of this application. The applicant's proposal is permitted use. It is limited modifications to the interior of the building. It is manufacturing and production of baked goods and warehousing those baked goods. There will not be any retail sales happening at this location. They have one item of relief, that is parking. They are requesting relief for the parking shortfall. The parking shortfall is there today and believe it was there for other applicants.

Chairman Smith asked if notice was good. Mr. Cosgrove confirmed. Chairman Smith confirmed the exhibits are A-1 through A-18 and B-1 through B-10.

Mr. Cosgrove administered the oath to Neil Moody, the project planner. Mr. Moody provided his background and affiliation with the applicant. He is their director of construction and operation trainer. He has been affiliated with them for 3-4 years.

Mr. Calli asked if Mr. Moody was familiar with the operations and the development proposed here in West Caldwell. Mr. Moody confirmed he was.

Mr. Calli asked him to review the day-to-day operations if the application is approved. Mr. Moody said their plan is to have retail locations in NJ and are currently working on 2 locations now. This facility would act as a hub for bringing in products to the stores and to produce fresh products. That fresh product produced at this facility has about a 3-day shelf life. Most of the facility from the logistics standpoint would be receiving pallets and shipping those pallets back out. What they receive here will mostly be from Dallas arriving on pallets and sent back out.

Mr. Calli clarifies that there will be no repackaging conducted at the proposed facility. Mr. Moody confirms this statement, emphasizing that the only packaging activity at the facility will be for the fresh products manufactured on-site. The Dallas warehouse products arriving from the Dallas warehouse will not undergo repackaging at the facility either. Instead, these products will be sorted onto pallets according to the respective retail locations, then shipped to those locations.

Mr. Calli asked if in some instances items will stay here for short term storage, and then ship out to their destination at retail locations. He asked if other limited fresh items will be produced here. Mr. Moody said yes.

Mr. Calli asked will there be any frying. Mr. Moody said no, everything they have here is what they typically have in their stores and products being produced here would normally involve s type 2 hood for steaming.

Mr. Calli asked what the days and hours of operation are. Mr. Moody said their chefs in California come in at 8:00 a.m. and work until 4:00 p.m. Mr. Calli asked if it is Monday through Friday. Mr. Moody said mainly Monday through Friday.

Mr. Calli clarifies that there won't be any shift work at the facility. Mr. Moody explains that initially, the operation will start with a scaled-down staff, with 2 employees handling logistics and 5 employees working on production. However, as the operation matures over approximately 5 years, they expect to reach full capacity. At that point, there will be 5 employees dedicated to logistics and 15 employees working on production, totaling 20 employees. All employees will work on a single shift with no overlapping shifts or

graveyard shifts. Mr. Moody emphasizes that this staffing plan represents the maximum scale for the facility, indicating that there won't be further expansion beyond this point.

Mr. Calli asked about the delivery schedules. Mr. Moody said the comparable locations they have service roughly 15 to 20 locations, they are delivering to stores 4 days a week and pushing out at 8:00 a.m. with the trucks are back around 4:00 – 5:00 p.m.

Mr. Calli asked if they use box trucks for delivery. Mr. Moody said yes 26-foot box trucks. They will probably have 5 in a fleet when they reach full maturation.

Mr. Calli asked what they expect on inbound deliveries over the week. Mr. Moody said inbound would come from Dallas once a week on a 53-foot truck. Mr. Calli asked if they could control the timing of that to not conflict with employees coming and going and traffic in the area. Mr. Moody said yes, they have full control over that.

Mr. Calli asked what the typical refuse and recycling is like for a facility like this. Mr. Moody said they typically do not have anything more than two 4-yard containers. That is usually done once a week.

Mr. Calli asked Mr. Moody to confirm that there would be no onsite retail sales. Mr. Moody said yes, they are not equipped for that and have no interest in it. Mr. Calli said there is no interest in signage. Mr. Moody said not interested in signage, it is not public access.

Chairman Smith asked about the baking process, it is steam with no flame and no odors emanating from the building itself. Mr. Moody said the chefs prefer cooking with flames when they are melting butter rather than an induction cooker, but they can do it with an induction cooker. Other than that, everything else is straight into an oven. It is just producing steam no oils or steam.

Vice Chairman Otterbein asked if there will be no vapors or any type of odors from the ovens coming from the building at all. Mr. Moody said they have not detected anything at all, if it was anything it would be the smell of cake.

Vice Chairman Otterbein proposes a condition for the facility to conduct an evaluation after being in service to ensure the protection of residential properties in the area. Mr. Moody agrees to this condition, stating that it is not a problem.

Mr. Calli then asks if the evaluation would involve a six-month look back specifically on noxious odors. Vice Chairman Otterbein confirms this, explaining that this timeframe will allow them to assess and address any potential odor issues if they arise. Mr. Moody reiterates that this condition is acceptable and that they will accommodate it.

Vice Chairman Otterbein asked the hours of operation. Mr. Moody said the hours would be 8:00 a.m. to 4:00 p.m. Vice Chairman Otterbein asked if the 53-foot truck from Dallas would be kept overnight on site. Mr. Moody said no, it would drop off and leave. The 26-foot box trucks will stay on site.

Vice Chairman Otterbein asked if there are going to be rooftop changes to accommodate the ovens and air conditioning. Mr. Moody said yes, there will be some changes and the architect will speak on that.

Mr. Snider inquired about the frequency of 53-foot truck deliveries to the facility. Mr. Moody confirms that these deliveries will occur once a week, typically bringing in a mix of supplies needed for baking and products destined for rerouting back to the stores. He expresses confidence that they will not require a second truck. However, in the unlikely event that they do, it would occur at most twice a week, emphasizing that this frequency would not exceed this limit.
Vice Chairman Otterbein said you stated there is a 3-day shelf life on some of these products. Mr. Moody said the 53-foot truck is all frozen products and some dry products. The fresh product will be what they produce on site.

Mr. Martorana clarifies Mr. Calli's statement, emphasizing that the standard outlined in the ordinance is not limited to just noxious odors but extends to any odors at all. He emphasizes that if a condition is imposed and an evaluation is conducted afterward, the applicant must address any odor issues that may arise, regardless of their severity. This ensures that the facility remains compliant with the ordinance and does not cause any disturbances to the surrounding area due to odors.

Mr. Cosgrove administered the oath to Texer Nam, the architect, his address 161 8th Avenue, New York, NY. Mr. Nam reviewed his education, experience and that his licenses are current. Chairman Smith said the Board accepted Mr. Nam as an expert architect.

Mr. Calli asked Mr. Nam to walk through the floor plan layout. Mr. Nam stated the building is divided into two parts. The south side is primarily for the storage function. The north side is the production function. The south side storage is also divided into two. One side is dry storage, and the other side is freezer. There is a small refrigerator attached to the freezer. From the loading side product comes in directly to either the dry or freezer side. When the product goes out it goes out through the dry storage and then out of the building. The production side is primarily product production. The production process follows a sequential flow: mixing, proofing, baking, cooling, wrapping, and dispatch. These activities are arranged in an open space layout, following a circular path. The production side includes amenities such as a changing room, office, bathroom, and a small refrigerator area to support staff and operations.

Mr. Nam explained outside on the rooftop, there will be a condenser unit for the large freezer and refrigerator. There will be 4-5 cooling rooftop units, each approximately 50 tons. These units will be about 77 inches tall, 23 feet long, and 8 feet wide. They will be integrated into one packaged box and will be the same color as the building. The units will be spread out over the rooftop. A visibility study was conducted in January to assess the visual impact of the rooftop units.

Mr. Calli asked that 4 pages of google map photos of the rooftop be marked as Exhibit A-19-1 which will be the aerial, A-19-2 which is the view of the residents from the roof of the property, A-19-3 which is the view closest to the residents, and A-19-4 which is the view of the unit. Mr. Nam reviewed them.

Mr. Calli questions Mr. Nam about the possibility of obscuring the rooftop cooling units from view by neighboring properties and implementing screening if needed. Mr. Nam responds affirmatively, stating that if necessary, they are prepared to provide screening. However, he believes that the units can be placed as they are, scattered across the rooftop, without requiring additional screening measures. This indicates a willingness to address concerns about the visual impact of the rooftop units while expressing confidence in the current placement plan.

Mr. LaRocca asked if there is one proposed unit. Mr. Nam said there are four units. Mr. LaRocca notes the sizable dimensions of the units and calculates that they amount to 200 tons of coolant. Mr. Nam explains that this capacity is not solely for the main large freezer but rather for the overall temperature control of the facility. There will be a separate, smaller rooftop condenser unit specifically for the large freezer. This unit is much smaller in size, at only 39 inches tall compared to the 29 inches tall unit for the refrigeration and freezer. Mr. LaRocca inquired about the presence of evaporators in the units to cool them. Mr. Nam clarifies that the units contain compressors rather than evaporators.

Vice Chairman Otterbein expresses the board's desire to ensure that the rooftop cooling units are not visible from the street and requests a condition to this effect if the application is approved. He emphasizes the importance of addressing visibility concerns both for nearby residents and passersby. Mr. Calli said they would work with the township professionals to address visibility issues and ensure proper screening of the rooftop units.

Chairman Smith proposes a condition that, if the application is approved, the applicant must provide as-built plans and, if deemed necessary, return to screen the rooftop units. Mr. Calli agrees to this condition. Mr. Martorana adds that the standard procedure is to screen rooftop units.

Mr. Cosgrove administered the oath to Thomas Trotto, the project engineer of Dynamic Engineering Consultants located at 245 Main Street, Chester, NJ. Mr. Trotto reviewed his experience and license.

Chairman Smith said the Board accept Mr. Trotto as an expert engineer.

Mr. Calli asked Mr. Trotto to take the Board through the site.

Mr. Trotto referred to the site plan. He stated the site is situated at 8 York Avenue, surrounded by other industrial uses to the North, West, and East. To the South lies a wooded area, beyond which are residential properties. The site spans approximately 2.8 acres and is located in the M-1 limited manufacturing district. The existing 1-story building on the site covers approximately 29,000 square feet and operates as a manufacturing and warehousing facility, which are permitted uses in the zone. The site includes asphalt parking and driveway areas, with 68 existing parking spaces (including 2 ADA-compliant spaces) distributed within the side and rear yards. The site is accessed via two driveways—a one-way ingress driveway along Dougal Place and a two-way driveway along York Avenue. The site includes an existing 20 x 10 trash enclosure, as well as two loading areas—one with 3 loading bays at the rear of the site and another with 2 loading bays at the western corner of the building.

There are several existing nonconformities with the current site. The percentage of lot width: the site currently has 25.8% lot width, whereas 40% is required. The parking shortage: 98 parking spaces are required by code, but only 68 are currently on site. Parking space dimensions: while all parking spaces are at least 20 feet long, a few are slightly narrower than the required 10 x 20 feet, with a minimum width of 8 feet. Loading space size: one loading space is currently 8 feet in width, whereas the code requires a 10 x 45 feet space. However, there is additional space on both sides to accommodate the required width.

Mr. Trotto said the proposed site plan improvements are minor changes. The main change proposed is a change in use to light manufacturing, specifically for a bakery, which is a permitted use in the zone. Additionally, the site will be used for storage and distribution of the bakery's products, which is also a permitted accessory use. The existing 1-story building will remain unchanged. The main changes proposed

are interior modifications, as testified to by the architect. The external improvements are proposing 7 new parking spaces to alleviate the existing parking shortage. One of the new spaces will be an ADA-compliant space, van accessible, located along the eastern corner of the property. The proposal for new ADA signage and a crosswalk to provide access to the building entrance. While the proposed parking spaces total 75, which is slightly short of the required 98, the applicant believes this will be sufficient based on the maximum operations of the site, which would require 20 employees.

Mr. Calli inquired about the site's ability to accommodate the turns required for larger equipment that will enter and exit the site during the week. Mr. Trotto responds that there are no issues in this regard. He mentions that the updated site plan includes turning movements for the largest vehicles as well as Township fire trucks, ensuring that the site can effectively accommodate the necessary maneuvering. This indicates thorough planning to ensure smooth vehicle access and movement on the site.

Chairman Smith raises a concern about the state of the garbage enclosure and whether it will be adjusted when the new tenant moves in, noting that the fence is currently in disrepair and overgrown in the area. Mr. Trotto responds that it is acceptable to address this as a condition.

Mr. LaRocca raises a question about the water demand analysis, expressing concern about the potential discrepancy between the stated decrease in water demand and the typical water usage of bakeries, which can be in the thousands of gallons per day. Mr. Trotto acknowledges this concern and explains that they were unable to track specific water demands for this particular use. They were able to pull from the NJAC code 17 which is how they calculate their water demand which is based on the square footage and employee count. He would be happy to work with the Township Engineer to review those and make them more accurate and acceptable to the Township and Board.

Vice Chairman Otterbein asks Mr. Trotto to identify the location of the new parking spaces on the site plan. Mr. Trotto points out the positions of the 7 new parking spaces on sheet 2 of the site plan. Vice Chairman Otterbein then raises a concern about potential conflicts between passing vehicles and the building due to the new parking spaces. Mr. Trotto responds that they do not anticipate any conflicts, as employees are expected to arrive at work simultaneously, and deliveries will occur during off-hours when employees are not arriving. Additionally, he notes that a turning movement analysis has been conducted to ensure that the aisle width is sufficient for both cars and trucks to maneuver through the area without issue. ice Chairman Otterbein asks if the applicant plans to stripe the new parking area and any other areas requiring striping. Mr. Trotto confirms that striping those areas would be acceptable. This exchange demonstrates the applicant's proactive approach to addressing concerns about parking and traffic flow on the site.

Vice Chairman Otterbein questions Mr. Bloch about the requirement for make-ready spots on the property. Mr. Bloch clarifies that make-ready spots are typically required for new parking lots during the preliminary site plan process, but he does not believe they are applicable to existing parking lots.

Vice Chairman Otterbein then seeks clarification on the exact floor space of the building, noting discrepancies between the site plan and engineering plan. Mr. Trotto explains that the difference likely stems from the measurement method used—while the site survey measures the exterior walls of the building, the architect's plan focuses on the interior walls. Therefore, the discrepancy arises from differences in interior wall dimensions. Mr. Trotto indicates that if looking at gross floor area, the architect's plan is correct, while for the building footprint, the larger number would be used.

Vice Chairman Otterbein asks Mr. Trotto to discuss the existing lighting on the site. Mr. Trotto explains that his office conducted a light study, with the existing lighting indicated on the site plan in red. Based on their assessment and discussions with the property owner, there appear to be no issues with lighting, as it is deemed sufficient for safe movement on the site, especially considering that operations cease at 5:00 p.m.

Vice Chairman Otterbein then asks about security lighting overnight. Mr. Trotto indicates that there is likely security lighting present but defers to the applicant for further confirmation.

Chairman Smith asked if there were any other questions from the Board and there were none.

Chairman Smith asked if there were any questions from the public and there were none.

Mr. Cosgrove administered the oath to Paul Ricci, the planner, 177 Monmouth Avenue, Atlantic Highlands, NJ. Mr. Ricci stated his education, experiences and licenses. His licenses are current and in good standard.

Chairman Smith said the Board accepts Mr. Ricci as an expert planner.

Mr. Calli asked if Mr. Ricci if he familiar with the code, the master plan and visited the site and surrounding area. Mr. Ricci said he is. Mr. Calli asked if Mr. Ricci is familiar with the applicant's plans and the applicant's proposed operations here. Mr. Ricci said he is. Mr. Calli asked Mr. Ricci to talk them through the bulk relief requested and your analysis and justifications under the statute warranting to grant these variances.

Mr. Ricci expresses his support for the application, highlighting its positive aspects and alignment with the community's needs. The application involves repurposing a vacant light manufacturing facility, which aligns with the community's goals and helps utilize existing infrastructure. The proposed facility will have significantly more parking than needed, and truck traffic and deliveries will be minimal. This makes it a passive use, which fits well within the intended purpose of the zoning plan. Mr. Ricci contrasts the current application with a previous one that was denied due to concerns about shift changes and parking. Unlike the previous application, this facility will operate with a single shift and has a clear understanding of its parking needs. The proposed parking spaces, while slightly fewer than required, are deemed sufficient for the facility's needs. The improvements to the parking lot, including resizing spaces to conform with code requirements, further support the application. The applicant is willing to work with the community, conduct odor tests, and screen the facility as needed. Additionally, there are no proposed changes to the exterior or signage of the building, demonstrating compliance with regulations. Mr. Ricci concludes that the application meets the criteria for granting variances without causing substantial detriment to the public good or the zone plan. It represents a positive step in reactivating the facility and promoting general welfare in the community.

Chairman Smith asked if the Board had any questions and there were none.

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

Mr. Calli summarized the application and thanked the Board for their time.

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

Chairman Smith asked for a motion to close the testimony. Vice Chairman Otterbein made a motion and Councilman Docteroff seconded it. Upon the vote being polled, Chairman Smith, Vice Chairman Otterbein, Councilman Docteroff, Ms. Baltycki, Mr. Snider, Mr. Failla and Mr. LaRocca voted in the affirmative.

Chairman Smith said he believes the applicant did a good job explaining what they want to do on the property. They have answered all the Board's questions. Parking is not an issue in his opinion as there are plenty of spaces on the site. The applicant has agreed to a review after six months regarding screening and odors leaving the property.

Vice Chairman Otterbein said he believes the applicant has met the burden of proof here. He believes met the intent and purposes of the zoning plan. He believes the applicant has met the positives and negatives. He thinks if they include the items discussed in the resolution he could vote in favor of this application.

Mr. Bloch said he thinks they should send this for memorialization of approval based on the comments.

Chairman Smith asked for a motion for memorialization of approval based on the comments heard this evening. Vice Chairman Otterbein made a motion that this application be approved with the conditions that have been placed on the record. Councilman Docteroff seconded the motion. Upon the vote being polled, Chairman Smith, Vice Chairman Otterbein, Councilman Docteroff, Ms. Baltycki, Mr. Snider, Mr. Failla and Mr. LaRocca voted in the affirmative. The motion was approved by a vote of 7-0-0.

2. **PB23-24 Broadway Belvedere LLC, 777-787 Bloomfield Avenue, Block 1000, Lot 2, B-3 Zone District.** Applicant is proposing modifications to the two (2) existing freestanding identification signs at the Broadway Shopping Center.

    1. **Section 20-24.4.i.3: Sign Area**
       Permitted sign area is 40 square feet. Proposed sign area is 85 square feet per side (8' x 10'8").
    2. **Section 20-24.4.i.3: Sign Height**
       Permitted sign height is 20'. Proposed height is 22'4".
    3. **Section 20-24.4.i.4: Sign Setbacks**
       Such sign shall be located in the rear half of the front yard setback required for the principal building or 25 feet, whichever is less. In the event that locating said sign in accordance with above is not possible due to the location of an approved parking area or driveway, the sign Committee may permit said sign to be located in the front half of the front yard setback required for the principal building, but in no event closer than 10 feet to any property line. Applicant shall provide the proposed setbacks or request a variance.

Larry Calli, Esq was present on behalf of the applicant.

Mr. Calli provides an overview of the proposed changes to the signage at the Broadway Square Shopping Center. There are Two free-standing signs currently exist at the shopping center, and they will remain in their current locations. The stations and supports for the sign boxes will also remain unchanged. The proposed changes involve installing new sign boxes with updated copy and branding for the tenants in the center. The top of the sign and the overall sign area will not be altered. The changes primarily involve a cleanup of the sign boxes, with no alteration to the total sign area or other details. The signage has been in place since 2009, and this cleanup effort necessitates variance relief from the Board. Mr. Anthony Facchino,

a civil engineer and professional planner, will testify regarding the proposed changes. Additionally, a representative from Signarama will be present to provide further details about the sign boxes if needed.

Mr. Cosgrove administered the oath to Anthony Facchino of 285 Main Street, Millburn, NJ. He works for Casey & Keller. He reviewed his education, licenses, and experience. His licenses are current and in good standing. Chairman Smith said the Board accepts Mr. Facchino as an expert Engineer and Planner.

Mr. Calli asked Mr. Facchino to locate the signs for the Board and discuss what is existing and what the proposed changes are. Mr. Facchino referred to sheet 1, the survey. He provided an overview of the property site. The property spans approximately 4 acres and is situated in the B-3 zone. It is a corner lot with frontage along Passaic Avenue, Clinton Road, and Bloomfield Avenue. There is an existing retail building on the property, comprising approximately 40,000 square feet. It is surrounded by associated parking areas that circulate around the entire lot. The property offers ample parking for all tenants, with parking areas available on all sides except the side that abuts the municipal building. There is 360-degree access around the building, facilitating ease of entry and exit. Currently, there are two freestanding signs on the property. One is situated at the driveway entrance before reaching the intersection of Passaic Avenue and Bloomfield Avenue, while the other is located at the corner of Clinton Road and Passaic Avenue.

Mr. Facchino referred to page 2 of the Signarama package. Mr. Facchino outlines the proposed changes to the existing signs. The proposal involves reconstructing the two existing freestanding signs on the property. Both signs will match the existing height of 22.4 feet and will be double-sided, with each side having an area of 85 square feet. Due to the modifications to the signs, variances are requested from Section 20-24.4.i.4, which mandates a setback of 10 feet from the property line. The existing signs do not meet this requirement, and they plan to keep them in the same location. Additionally, a variance is sought from Section 20-24.4.i.3, which limits the maximum area of two signs to 40 square feet each. As the proposed signs will be 85 square feet per side, variances are necessary. However, the signs will not change in size, only in appearance. Lastly, there is a variance requested from the maximum sign height regulation, which permits a maximum height of 20 feet. Both the existing and proposed signs have a height of 22.4 feet. It's important to note that the height of the signs will not change. The signs will be internally illuminated, as permitted by code, and will be turned off at the close of business. They will feature a white translucent acrylic background with red lettering.

Mr. Facchino presents Exhibit A-17, which is a color temperature guide showing the range of colors based on the Kelvin number of the light. The range starts from 1,000 Kelvin (yellowish light) to 10,000 Kelvin (dark blue light). The proposed LED lighting has a Kelvin number of 7,100, which is considered to be a real white color. This color temperature is chosen as it is perceived as a good color source. After recommendations from professionals, the color temperature has been reduced to 5,000 Kelvin, which is similar to daylight fluorescent colors. This color temperature eliminates any yellow or blue hues and is believed to meet the Board's recommendations. The translucent background of the signs hides the light source, reducing light intensity. In response to a planner's recommendation, they have agreed to install a dimmer for the lights to regulate brightness. This allows for future adjustments if the Board deems the lighting too bright after installation.

Mr. Facchino referred to the survey and explained why he believes the requested variances for the signs are justified. He states that granting the variances will advance the purposes of planning as outlined in the Municipal Land Use Law. The benefits of the signs will outweigh any detriments. The signs will promote safety and general welfare by facilitating the free flow of traffic and providing clear identification of the

property for visitors. This promotes economic development by attracting businesses and providing convenient services and amenities for both businesses and residents. The signs will provide clear identification of the site for visitors, enhancing safety and ease of access. Their placement at entrances on multiple public streets ensures visibility from various directions, aiding in navigation and preventing traffic issues. Placing the signs closer to the road improves visibility, aiding first responders in identifying the property quickly during emergencies. Pushing the signs back could reduce visibility and potentially lead to the loss of parking spaces. Mr. Facchino believes that granting the variances for the signs will serve the overall planning goals of the municipality and enhance safety and convenience for visitors and first responders.

Mr. Facchino referred to sheet 2 of the package and provides further justification for the variances requested for the signs. He stated Lowering the height of the signs would reduce visibility and hinder recognition by passing motorists. Similar-sized signs in the area allow for better tenant recognition and visibility, contributing to the success of businesses. The remodeled signs will have a sleek, modern look that complements the appearance of the building. They will mimic the design of existing signage on the building, which is white with red lettering. The signs will blend in with the surrounding area, as there are many signs along Passaic Avenue and Bloomfield Avenue. Freestanding signs are permitted in the zone, and the proposed signs are consistent with the intent of the ordinance, which aims to allow businesses to be identified. The signs have existed for many years and contribute to the promotion of businesses and economic development in the area. The signs will primarily be seen by passing motorists and will not substantially impair surrounding usages or the neighborhood. They will help promote business and contribute to the overall vitality of the area.

Mr. Calli clarifies that the variances requested are for existing conditions that have been in place for years, such as the setback, top height, and sign area. The primary change being proposed is the replacement of the illuminated copy box, which will feature new illumination displaying various tenants instead of the three anchors. Mr. Facchino confirms this understanding.

Chairman Smith acknowledges that the proposed sign will remain in its current location and moving it to conform to regulations would mean placing it in the parking lot on both ends. Mr. Facchino confirms this, stating that the sign area will include what is currently the cap.

Mr. Bloch adds that they do not have detailed information about the existing sign, although it was previously approved. Considering it as a new sign, they are seeking variances for setbacks, size, and height, despite its location remaining the same.

Chairman Smith notes that there are no significant changes proposed other than the source of lighting. Mr. Bloch mentions that the square footage of signage may increase due to the inclusion of the cap in the sign area.

Councilman Docteroff inquired about the process for swapping out the sign for businesses. Mr. Facchino explains that the process involves sliding out the existing sign and sliding in a new one.

Mr. Snider inquired about the number of tenants in the plaza. Mr. Facchino responds that there are a total of 17 tenants, with 15 currently occupied and 2 vacant spaces.

Mr. Snider inquired about the size of the acrylic panels, to which Mr. Facchino responded that they measure

19” x 48” each.

Vice Chairman Otterbein raised concerns about the changes made to the sign, particularly regarding the addition of more text and altered lettering. He referenced ordinance 20-24.1.h.2, which stipulates that if a non-conforming sign is enlarged, relocated, or if the lettering, illustration, or displays are changed, the sign should conform to the revisions outlined in the ordinance. Vice Chairman Otterbein expressed difficulty reconciling this with the proposed changes and sought clarification on how the changes could be justified based on the ordinance requirements.

Mr. Calli responded that the board can grant bulk variance relief based on the testimony provided. He indicated that this is the purpose of the hearing. Vice Chairman Otterbein acknowledged this but emphasized that there is indeed a change to the sign.

Chairman Smith clarified that they are treating the application as new, and Mr. Bloch explained that the provision allows a nonconforming sign to remain nonconforming until changes are made. Therefore, they are treating the application as if it were for a new sign. Vice Chairman Otterbein acknowledged this explanation and indicated understanding of the testimony.

Mr. Failla asked what the difference is between the actual coverage of the existing sign and the new sign. Mr. Facchino clarified that the total sign area remains unchanged; only the copy boxes are being modified to accommodate more information. Chairman Smith added that the top piece, which previously identified the total property, is now being included as part of the sign area.

Mr. Martorana raised a point about the limitations of renderings in conveying the potential glare or harshness of LED lights. While the spectrum of light can be represented, the actual impact on perception may vary. Adding a dimmer switch is a positive step, but it may still be beneficial for representatives to meet with the applicant to discuss potential glare issues and explore solutions, especially given the impact on passing drivers. This collaborative approach could help address concerns and ensure the best outcome for the community.

Vice chairman Otterbein asked about the testimony on visibility and tenant recognition. Do you believe that this sign would be so busy it would distract a driver. Mr. Facchino said he doesn't believe that the proposed sign, with additional tenant names, would pose a distraction to drivers or compromise public safety in the area. While the new sign will contain more information, he believes it's safer for drivers to quickly identify businesses from the sign rather than having to search for them on the building.

Mr. Bloch asked for details about the size of the lettering and if it is all going to be red. Will it be different colors. Mr. Facchino confirmed that the lettering and design on the sign panels will adhere to the regulations outlined in the ordinance. This includes considerations such as permitted colors and sizes, ensuring compliance with local regulations.

Mr. Martorana asked if it would still need to go to the sign committee for approval even if the variances are approved, he doesn’t think it needs to be part of the application.

Chairman Smith said any panel change on the sign needs to come before the sign committee. He thinks Mr. Bloch is looking for that each of the panels will be similar in letter height is that correct.

Mr. Facchino clarified that while the letter height on each panel might vary depending on the tenant, all lettering will be consistent in color, adhering to the red color scheme that matches the building signs. He agreed that any panel changes would still need to be reviewed and approved by the sign committee, regardless of the variances granted.

Mr. Bloch emphasized that the building-mounted signs are required to be red, but the freestanding sign can have up to four colors. He suggested that having different colors for the lettering on the sign panels could aid in quickly identifying tenants as drivers pass by. He stressed the importance of determining the minimum size of the lettering for readability. Mr. Facchino acknowledged that the presented design was just an idea and agreed to provide more details on the lettering and color scheme. He expressed willingness to comply with the requirements of the sign committee, including standardizing the size of the lettering if necessary. Chairman Smith highlighted the need for clarity regarding the content of the sign panels.

Vice Chairman Otterbein said he agrees with Mr. Bloch.

Chairman Smith asked if the Board had any other questions there were none.
Chairman Smith asked if the public had any questions and there were none.

Chairman Smith asked if the public had any comment or questions and there none. He asked for a motion to close the testimony. Councilman Docteroff made a motion to close, and Vice Chairman Otterbein seconded it. Upon the vote being polled, Chairman Smith, Vice Chairman Otterbein, Councilman Docteroff, Ms. Baltycki, Mr. Snider, Mr. Failla and Mr. LaRocca voted in the affirmative.

Chairman Smith said they have discussed the sign, the height, the sign area and cleared up some things. To make the sign conforming would be difficult at this time. He believes the applicants testimony on the positive and negative criteria. He is comfortable moving forward.

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

WHEREAS, the Applicant, Broadway Belvedere has submitted Application No. PB23-24 to the Planning Board of the Township of West Caldwell ("Board") for the property known as Lot 2 in Block 1000, as shown on the Tax Maps of the Township of West Caldwell, having a street address of 777-787 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 the Broadway Square Shopping Center, located in the B-3 General Business District.

2. The Applicant seeks site plan approval for new signage, which was denied by the sign committee in September 2023. The Applicant seeks two new 22'4" high, two-sided, freestanding pylon signs with 85 square feet of sign area per side (8' x 10'8"). One sign is proposed on Passaic Avenue at Clinton Road, and the second sign on Bloomfield Avenue at the shopping center driveway (at the existing sign locations), using the existing support posts. Signs will include a "heading" indicating Broadway Square, and ten tenant panels below.

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. This Board has considered all documents submitted in connection with this Application and marked on the Evidence Marking as A-1 through A-17 and B-1 through B-9.

6. The Applicant was represented by Counsel, Larry Calli, Esq., and testimony was provided from the following witnesses:

    a. Anthony Facchino, P.E., P.P., provided testimony regarding the proposed characteristics and location of the freestanding signage.

7. 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. Variance from Section 20-24.4.i.3 for Sign Area. Permitted sign area is 40 square feet. Proposed sign area is 85 square feet per side (8' x 10'8").

2. Variance from Section 20-24.4.i.3 for Sign Height. Permitted sign height is 20'. Proposed height is 22'4".

3. Variance from Section 20-24.4.i.4: Sign Setbacks. Freestanding signs shall be located in the rear half of the front yard setback required for the principal building or 25 feet, whichever is less. In the event that locating said sign in accordance with above is not possible due to the location of an approved parking area or driveway, the Sign Committee may permit said sign to be located in the front half of the front yard setback required for the principal building, but in no event closer than 10 feet to any property line. The sign on Bloomfield Avenue has a proposed setback of 3.63 feet from the right-of-way and the sign on the corner of Passaic Ave and Clinton Road has setbacks of 5.87 and 11.18 feet, respectively.

Based upon credible testimony provided, the Board finds that the "c(2)" flexible variance criteria has been satisfied. The purposes of zoning are advanced by the proposed signage, by promoting the health, safety and general welfare, free flow of traffic, and economic vitality of the business district. 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 the 8th day of April, 2024, that Application No. PB23-24, Broadway Square, seeking iii certification 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.

3. Proposed LED lighting for the signage shall be 5000 Kelvin and shall utilize dimming technology so that the brightness of the sign can be controlled after installation. The applicant shall meet with the committee of the municipality to review all aspects of the sign illumination to achieve proper dimming settings to provide for driver safety and compatibility with existing sign uses and regulations.

4. The Applicant shall submit an application to the Sign Committee for each individual sign panel proposed within the freestanding sign. The Sign Committee shall review all aspects of the sign not specifically approved by this application (including but not limited to sign design, color, lettering height, visibility, and safety)

5. 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.

6. 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.

Councilman Docteroff made a motion to approve the proposed motion offered by Mr. Bloch, seconded by Ms. Baltycki. Upon the vote being polled, Chairman Smith, Vice Chairman Otterbein, Councilman Docteroff, Ms. Baltycki, Mr. Snider, Mr. Failla and Mr. LaRocca voted in the affirmative. The motion was approved by a vote of 7-0-0.

Chairman Smith said they will not have the conference meeting because application PB24-06 Jim John Ken Properties, 4 Fairfield Crescent, Block 1400, Lot 8, M-1 Zone District has been withdrawn and no further action needs to be taken.

The meeting was closed.

MINOR SITE PLAN COMMITTEE DECISIONS

None

INVITATION FOR ADDITIONAL DISCUSSION

ADJOURNMENT

The meeting adjourned at 8:49 p.m.

Respectfully Submitted,

_____
Deborah Gill
Secretary to the Planning Board