

PLANNING BOARD MINUTES
PUBLIC MEETING
February 10, 2014

A public meeting of the Planning Board of the Township of West Caldwell was held on February 10, 2014 in the Municipal Building, 30 Clinton Road, West Caldwell, New Jersey. Chairman Mudd called the meeting to order at 7:00 p.m. and read the opening statement.

ROLL CALL

Members present: Mr. Martorana (via Skype), Mr. Palmisano, Mr. Mudd, Mr. Christopher Smith, Ms. Marchetti, Councilman Wolsky.

Members absent: Mayor Tempesta (Mr. Palmisano sat in for Mayor Tempesta).

Advisors present: Gregory J. Castano, Jr., Esq. and Tamara E. Bross.

MINUTES

On a motion by Mr. C. Smith and a second by Councilman Wolsky the minutes of November 25, 2013 were approved 6-0. On a motion from Mr. C. Smith and seconded by Ms. Marchetti the minutes of December 9, 2013 were approved 4-0-2 with abstentions by Councilman Wolsky and Mr. Palmisano. On a motion by Mr. C. Smith and a second by Councilman Wolsky the minutes of January 13, 2014 were approved 5-0-1 with abstention by Mr. Palmisano.

Meeting temporarily adjourned at 7:07 as Applicant was not present.

Meeting reopened at 7:15, Mr. Martorana was not available to return via Skype.

HEARING

1. Application P13-29, Natural Way, LLC, d.b.a. Just Salad, 775 Bloomfield Avenue, Block 1000, Lot 2, B-3 Zone District, West Caldwell, NJ. Property owner MSM Center Associates, LLC. Conditional Use with Notice required for restaurant occupancy of approximately 1427 square feet; space was previously occupied by Gurian Hearing and Vision Center.

Present was Robert Cosgrove, Esq. Ms. Bross said the application was properly noticed. The evidence marking list A-1 to A-8 and B-1 to B-5 was entered into the record.

Mr. Cosgrove made a brief opening statement and made a correction to his addendum (A-4) in the first paragraph that should read "Broadway Square" for location. He stated that this proposed use will meet the conditional use standards for a restaurant. There will be no cooking, baking or frying on premises.

Kusmayadi Djunaidei was sworn in and shall be called Han. Han provided the following direct testimony and answers to questions from the Board:

- The proposed restaurant will be offering made to order salads predominately, along with sandwiches and soup.
- There are 11 locations in Manhattan with the first New Jersey location in Wayne, along with the West Caldwell location.

- The hours of operation will be 11 am to 10 pm, 7 days a week
- The maximum number of employees on any one shift will be seven (7).
- There will be no cooking, baking or frying on premises.
- Twenty six (26) patron seats are planned.
- The dining area will be 518.7 square feet; which exceeds the 390 square feet that is required.
- All performance standards will be met.
- Trash will be disposed of in the rear of the building and will be carted away by a private contractor.
- All deliveries will be thru the service area in rear of building.
- Eleven (11) parking spaces are required; adequate parking is available in Plaza lot.
- There will be no changes to the exterior except for signs and a separate sign application will be made to the Planning Board Sign Committee.

There were no questions for Han from the public based on his testimony.

Mr. Bill Vacarro from the Public introduced himself as the owner of Salad Works that recently opened at 749 Bloomfield Avenue, and questioned if there was any kind of protection from saturation of similar businesses opening up. Chairman Mudd explained that denying a permitted use is not permitted by law.

There were no further comments or questions from the Public.

The hearing was closed. After Board deliberation Mr. Christopher Smith made the following motion:

WHEREAS, Natural way, LLC, d.b.a. Just salad (“Applicant”) has submitted Application No. P13-29 to the Planning Board of the Township of West Caldwell (“Board”) for Site Plan with Conditional Use approval with regard to the premises, Block 1000, Lot 2 in the B-3 Zone as shown on the Tax Maps and having a street address of 775 Bloomfield Avenue; and

WHEREAS, there are no taxes or assessments for local improvements due and delinquent on the subject property, and the Applicant has presented an ownership disclosure statement as required by New Jersey Statutes; and

WHEREAS, this Board has classified this application as a Major Application with Conditional Use requiring public notice; and

WHEREAS, the Applicant has presented evidence of having given required notice; and

WHEREAS, this Board has considered all documents submitted in connection with this Application; and

WHEREAS, said documents have been entered into evidence and marked as items A-1 thru A-8 and B-1 thru B-5; and

WHEREAS, this Board has considered all testimony of the Applicant; and

WHEREAS, said testimony includes but is not limited to the following representations by the Applicant and/or its witness:

1. The use proposed by this application is for a 26 seat restaurant (with takeout available)
2. The business name will be Just Salad.
3. The hours of operation will be 11am to 10 pm, seven days a week
4. The maximum number of employees on any one shift will be seven (7).
5. The dining area required by ordinance for 26 dining seats is 390 square feet and 518.7 square feet of dining area is provided.
6. The number of parking spaces required by ordinance for 26 seats is eleven (11) and eleven (11)

parking spaces are available in the shopping center parking lot.

7. All deliveries will be made thru the service door of the building.
8. Garbage/trash removal will be by a private contractor.
9. Excluding signage there will be no changes to the exterior of the building.
10. The Applicant has read and understands the referral from the West Caldwell Health Department.
11. The Applicant has read and understands the referral from the West Caldwell Water Department;
and

WHEREAS, this Board has made the following findings of fact and conclusions based thereon:

1. The use requested in this application is for a restaurant, (with takeout available) which is a conditional use in this Zone District (B1).
2. This application neither requests nor requires the granting of any variances by this Board.
3. This application does substantially meets all the requirements of Chapters 18A & 20 of the revised General Ordinances of the Township of West Caldwell.
4. This application meets all the Conditional Use Standards required by Chapter 20.17 and subsection 20-17.17 of the Revised General Ordinances of the Township of West Caldwell.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of West Caldwell on this 10th day of February 2014, that the said Application be and the same is hereby APPROVED, subject to the following conditions:

1. The Applicant shall comply with all representations made in the testimony before this Board and all evidence presented to this Board.
2. In addition to all requirements contained herein, 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.
3. This application is subject to the approval of the Essex County planning Board, which has stated in evidence A-3 that no application to same is required.
4. All signage of any kind, including but not limited to directional signs and grand opening banners, requires separate application to and approval by this Board's Sign Committee.
5. The Applicant shall comply with any and all requirements of the West Caldwell Health Officer and the West Caldwell Water Department/Public Works including, but not limited to those shown in the referral reports from same and marked as evidence items B-2 and B-5 respectively.
6. The Applicant shall comply with any and all requirements of the Borough of Caldwell with respect to all wastewater discharge.

All approvals, the issuance of construction permits and certificates of occupancy 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.

Ms. Marchetti seconded the motion and it was approved by a vote of 5-0.

ADJOURNMENT The meeting adjourned at 7:31 p.m.

Respectfully submitted,

Tamara E. Bross Planning Board Secretary