

PLANNING BOARD MINUTES
PUBLIC MEETING
April 21, 2014

A public meeting of the Planning Board of the Township of West Caldwell was held on April 21, 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. Dremel, Mayor Tempesta, Chairman Mudd, Mr. Christopher Smith, Ms. Marchetti, Councilman Wolsky. Mr. Palmisano
Members absent: none
Advisors present: Greg Castano Esq. and Tamara E. Bross.

MINUTES

On a motion made by Mr. Smith and a second by Ms. Marchetti the minutes of February 24, 2014 were approved 6-0-1, with an abstention by Mr. Dremel. On a motion made by Mr. Smith and a second by Councilman Wolsky the minutes March 10, 2014 were approved 7-0.

RESOLUTION OF MEMORIALIZATION

A motion was made by Mr. Smith and seconded by Mayor Tempesta to memorialize the Planning Board decision on March 10, 2014 of the following application with conditions and approved 7-0.

Application P13-24, Original Bagel, 2 Fairfield Crescent, Block 1504, Lot 1, M-1 Zone; Property Owner 2 Fairfield Crescent, LLC; Major application for Site Plan with variance approval; Notice required. Applicant proposes to install roof and ground mounted refrigeration and air conditioning units, remove certain existing ground and roof mounted units, and repave and restripe existing parking area. A variance is required for one ground mounted refrigeration units which exceeds the maximum thirteen (13) foot permitted height of an accessory structure (Ordinance Section 20-19.1.d).

WHEREAS, **Original Bagel**, (“Applicant”) has submitted **Application No. 13-24** to the Planning Board of the Township of West Caldwell (“Board”) for site plan approval, with regard to the premises **Block 1504, Lot 1** in the M-1 Zone as shown on the Tax Maps and having a street address of **2 Fairfield Crescent, West Caldwell**; and

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

WHEREAS, this Board has classified this application as a Major Site Plan with variances requiring public notice; and

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

WHEREAS, this Board has considered all documents marked A-1 thru A-13 and B-1 thru B-9 submitted in connection with this Application; and

WHEREAS, this Board has considered all testimony of the Applicant and its witnesses, including witnesses qualified by this Board as experts in the fields of professional engineering, professional planning, operations, architecture, acoustical engineering and refrigeration in support of this application; and

WHEREAS, the Applicant has received previous approval for the operation of a food processing facility and associated offices; and

WHEREAS, said use is a permitted use in the M-1 zone district; and

WHEREAS, the Applicant has submitted a site plan prepared by GC Stewart Associates, revised through 2/28/2014 and architectural building plans and elevations prepared by Michael Kuybida architect, revised through 2/11/2014 to support the permitted uses existing on the site; and

WHEREAS, the Applicant is proposing the installation and/or construction of new refrigeration equipment and the removal of certain other equipment; and

WHEREAS, the new equipment is proposed for construction on both the roof and at ground mounted locations; and

WHEREAS, the one ground mounted unit exceeds the maximum permitted height of 13 feet for an accessory structure in accordance with section 20-19.1.d of the Code of the Township of West Caldwell; and

WHEREAS, the proposed electrical cabinets are approximately three (3) feet from the building where a minimum of ten (10) feet is required; and

WHEREAS, the ground mounted equipment is located within a rear yard requiring a setback equal to 100 % of the side yard setback which is 45.5 feet and only 18 feet is proposed; and

WHEREAS, the Applicant seeks a variance from these requirements; and

WHEREAS, the Applicant also proposes to repave and restripe certain portions of the parking area, as shown on the plan as permitted by the Code; and

WHEREAS, the Applicant desires to upgrade their facility with state of the art equipment which will enhance production capability and quality of the product, and will bring the facility into compliance with contemporary standards for refrigeration coolants and will be more energy efficient, quieter and safer to operate; and

WHEREAS, the Applicant has provided expert testimony satisfactory to the Board that the proposed equipment will be in compliance with applicable sound standards and regulations; and

WHEREAS, the expert testimony provided in the fields of engineering and architecture, indicates that the plan (other than the variances requested), substantially meets all other requirements of Chapters 18A and 20 in the Revised General Ordinances of the Township of West Caldwell; and

WHEREAS, the expert testimony of the Professional Planner and Refrigeration Consultant indicate that the configuration of the proposed equipment is the most energy efficient and compact plan, since complying with the height requirement would result in the need for several additional units, resulting in possible larger sound impacts from a more exposed area, and would therefore advance the purposes of zoning; and

WHEREAS, the proposed equipment is the most energy efficient way to achieve the desired result, with minimal visual and sound impacts, and would also advance the purposes of zoning; and

WHEREAS, with the proposed location and screening, the variances can be granted without impairing the zone district and zone plan and further the benefits outweigh any detriments.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of West Caldwell on this 10th day of March, 2014, that the said Application be and the same is hereby

APPROVED, and memorialized by this resolution adopted by the Planning Board on **April 21st, 2014**, 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) The Applicant shall comply with all requirements and recommendations of the TRC report dated February 26, 014 to the satisfaction of the Municipal Engineer.
- 3) Prior to the issuance of any construction permits, the Applicant shall cure any deficiencies or violations as may be found by an inspection of the Zoning Officer, to his satisfaction.
- 4) The documentation provided by the Applicant regarding foundation landscaping at a food processing establishment should be submitted to the Health Officer for his review. Should he find that conventional landscaping poses no unusual hazard; the Applicant shall submit an updated landscape plan to the Environmental Committee for review, and the Minor Site Plan Committee for approval.
- 5) After the new equipment is installed, the Applicant shall conduct a noise analysis to establish baseline data for future use. The analysis shall be conducted by an expert satisfactory to the Township at the expense of the Applicant.

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.

HEARING

P14-02 Stuart D. Minion, Esq.; 8 and 12 Jameson Place, Block 401, Lots 10, 11, 12, & 13 R-4 Zone; Property Owner: Beverly Gutterman; applicant proposes a subdivision merging lots 10 & 11 and merging lots 12 & 13 creating two (2) lots.

Present was Stuart Minion Esq. Ms. Bross stated that the application was properly noticed.

Mr. Stuart Minion made a brief opening statement for the applicant. Evidence was marked as follows: A-1 Application; A-2 Minor Subdivision Plans drawn by DYKSTRA & WALKER dated February 11,2014 (2 of 3 pages) including third page dated 4/10/2014 and A-3 colored rendering of plans.

Kenneth Dykstra was sworn in and is the professional engineer and land surveyor for the applicant, accepted by the Board as an expert and offered direct testimony and answers to questions from the Board:

- Property located on Jameson Place is currently four (4) lots with two (2) dwellings
- Plans propose to consolidate into two (2) lots with Lot 12 (the northerly) consisting of 10,547 square feet and Lot 10 (southerly) consisting of 30,152 square feet
- All structures on Lot 10 will be demolished and replaced with a new home that will not require variances
- No changes are proposed to Lot 12
- Jameson Place is currently 30 feet wide across in this section where 50 feet is the standard right of way

- Ten (10) feet of right of way across both proposed lots is shown on page 2 and 3 of plans and will be dedicated to the Township of West Caldwell

Donald MacAlprin of 9 Jameson Place spoke about concerns of water runoff and asked about improvements to Jameson Place and the Chairman replied that with this dedication, hopefully improvements might be made in the future

Mr. Soloman Gutterman was sworn in and answered questions from the Board;

- Demolition permits have been submitted to the Building Department

There were no questions for Mr. Gutterman from the Public based on his testimony.

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

WHEREAS, Stuart Minion, (“Applicant”) has submitted **Application No. 14-02** to the Planning Board of the Township of West Caldwell (“Board”) for Subdivision approval, with regard to the premises **Block 401, Lots 10, 11, 12 and 13** in the R-4 Zone as shown on the Tax Maps and having a street address of **8 & 12 Jameson Place, West Caldwell**; and

WHEREAS, there are no taxes or assessments for local improvements due and delinquent on the subject property and,

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

WHEREAS, this Board has classified this application as a Minor Subdivision

WHEREAS, this Board has considered all documents marked A-1 thru A-3 and,

WHEREAS, the application refers to four existing tax map lots on Jameson Place all in the single ownership of the Applicant and,

WHEREAS, there are now 2 single family homes existing on this combination of tax map lots and.

WHEREAS, Jameson Place has an existing right of way of only 30 feet in this area, where the standard Right of Way for this category of residential street is 50 feet in width and,

WHEREAS, the Applicant proposes to adjust the existing lot lines to create 2 conforming lots out of the 4 existing tax map lots and,

WHEREAS, the applicant proposes a dedication of 10 feet across the entire entire frontage of property included in this application, thereby increasing the existing Right of Way to a 40 foot width and,

WHEREAS, the dedication of this additional Right of Way is prospective in nature, taking place in a point in time subsequent to this action of the Planning Board, said dedication does not create a non-conformity and thereby does not require a variance request by the Applicant and,

WHEREAS, no new variances are created by this proposal; all non-conforming conditions are preexisting and will not be aggravated

WHEREAS, the Applicant has submitted a minor subdivision plan in accordance with the provisions of chapter 19 of the Code of the Township of West Caldwell to delete existing lines and create new lot lines and lots, all as shown on the plans prepared by DYKSTRA WALKER Design Group and dated 2/11/2014 and 4/10/2014 (exhibit A-2) and,

WHEREAS, the Applicant has presented expert testimony in the fields of Professional Engineering and Land Surveying in support of this application and,

WHEREAS, the use proposed is permitted in the R-4 residence district and,

WHEREAS, the Board has reviewed various referrals and reports including those of the Technical Review Committee (TRC) dated March 19, 2014 and the Planning Board Engineer dated April 2, 2014, and

WHEREAS, said application substantially complies with the requirements of Chapters 18A, 19, 20 and 21 of the Code of the Township of West Caldwell,

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of West Caldwell on this **21st day of April, 2014**, that the said Application for Minor Subdivision be and the same is hereby **APPROVED**, subject to the following conditions:

1. The subdivision shall be filed via deed and subdivision map by the applicant, including the area proposed for dedication
2. Monuments shall be bonded and installed in accordance with the Map Filing Law and the requirements of the Municipal Engineer
3. Lot numbers shall be assigned by the West Caldwell Tax Assessor
4. The Applicant shall review the site grading plan with the Municipal Engineer to minimize the flow of storm water run-off from the roof, driveway and pool areas onto adjacent properties and shall modify the plan to conform with the requirements of the Municipal Engineer
5. The applicant shall submit an as-built plan upon completion of all improvements and structures shown on the approved plan
6. The applicant shall comply with the requirements of the Water Department, as described in their referral report dated 4/17/2014

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.

The motion was seconded by Mr. Smith and APPROVED by a vote 7-0.

2. P14-05 Cav-West Properties LLC; 165 Clinton Road, Block 1501, Lot 4, M-2 Zone;
Property Owner: Cav-West Properties LLC; applicant proposes to install a standby generator in the side yard whereas accessory structures are permitted only in the rear yard, and the proposed generator is less than the required ten (10) feet from the principle building (section 20-19.1.e); Major application with notice required.

Present was Ms. Elizabeth Durkin Esq. Ms. Bross verified that the application had been properly noticed. The evidence marking list A-1 to A-10 and B-1 to B-4 was entered into the record by title.

Chairman Mudd added two additional variances; 20.19.1(f) requires generator to be placed 70.2 feet from property line where 61.5 feet is proposed and 20.21.12 requires screening where none is proposed.

Ms. Durkin made a brief opening statement. Mr. Norman Dotti, acoustical engineer of Russell Acoustics was sworn in and qualified as an expert in sound engineering. Mr. Dotti offered the following testimony and answers to questions from the Board:

- Generator placed on easterly side of building off of loading dock that is all concrete
- The neighbor is the US Post Office
- The only thing that traverses this area is trucks for the applicant and the Post Office
- Residential neighbors across Clinton Road are 400 feet away and sound levels fall below standards of 65 DBA for daytime sound at 40 DBA
- No negative impact on the residential neighbors or the US Post Office pedestrian traffic
- Applicant agrees to run testing during business hours Monday – Friday 9am to 5pm

Mr. Charles Stewart, P.E., P.P. was sworn in and qualified as an expert in engineering and planning. Mr. Stewart offered the following testimony and answers to questions:

- Mr. Stewart prepared site plan (A-9) and shows proposed location of generator in side yard in notched loading dock area behind transformer pad
- Utilities enter the building at this location
- Existing storm drain surrounds property as per previous site plan approval and limits location of ten feet from the building
- Generator will be used for backup power in an emergency situation
- Variances needed are: location 10 feet from the building; no screening; distance from the property line and placement in the side yard all of these approvals would be considered benefits that far outweigh any detriments
- Generator will be housed in an enclosure that is close in color of the building and will not be found to be offensive
- Natural screening is provided by location as the area is notched into the building and will not be readily visible, along with the pine trees along Clinton Avenue that provide additional screening
- Location in the rear is approximately 225 feet from transformer and would create undue hardship for the Applicant
- The generator will be placed approximately 370 feet from the property line of Clinton Road
- The location shown on the site plan is the appropriate place for the generator

There were no questions from the public for Mr. Stewart based on his testimony. There were no questions or comments from the public regarding this application. The hearing as closed and Chairman Mudd recommended the following motion:

WHEREAS, Cav-West Properties, LLC (“Applicant”) has submitted Application **No. P14-05** to the Planning Board of the Township of West Caldwell (“Board”) for Amended Site Plan with Variances approval with regard to the premises, Block 1501 Lot 4 in the M-2 Zone as shown on the Tax Maps and having a street address of **165 Clinton Road**; and

WHEREAS, except for a minor Water/Sewer balance there are no other taxes or assessments for local improvements due and delinquent on the subject property, and the Applicant has presented

ownership disclosure statements as required by New Jersey Statutes; and
WHEREAS, this Board has classified this application as a Major Site Plan with variances requiring public Notice; and
WHEREAS, the Applicant has presented evidence of having given required notice; and

WHEREAS, the subject property had received Major Site Plan approval in a Resolution of Memorialization by this Board dated October 5, 2009 (evidence item A-3); and

WHEREAS, the subject property had received Amended Major Site Plan approval in a Resolution by this Board dated June 28, 2010 (evidence item A-4); and

WHEREAS, the subject property had received Amended Major Site Plan approval in a Resolution by this Board dated July 22, 2013 (evidence item A-5); and

WHEREAS, the Applicant now proposes the installation of a one-hundred and thirty (130) kilowatt natural gas powered stand-by generator; and

WHEREAS, the location proposed for said generator is in the easterly side yard where accessory structures are only permitted in the rear yard necessitating a variance from Township Ordinance Section 20-19.1.e; and

WHEREAS, the location proposed for said generator is less than ten (10) feet from the principal building also necessitating a variance from Township Ordinance Section 20-19.1.e; and

WHEREAS, the location proposed for said generator is sixty-one and one-half (61-1/2) feet from the easterly property line where seventy point two (70.2) feet is required necessitating a variance from Township Ordinance Section 20-19.1.f; and

WHEREAS, no screening is proposed for said generator necessitating a variance from Township Ordinance Section 20-21.12; and

WHEREAS, this Board has considered all documents submitted in connection with this Application and marked as A-1 thru A-10 and B-1 thru B-4 ; and

WHEREAS, this Board has considered all testimony of the Applicant and/or its witnesses including witnesses qualified by this Board as experts in the fields of engineering, planning, and noise; and

WHEREAS, a conforming location for the proposed generator in the rear yard would place it at least two-hundred and twenty-five (225) feet from the main electrical transformer creating exceptional practical difficulties and undue hardship to the installation of said generator; and

WHEREAS, the proposed location for the proposed generator is approximately three-hundred and seventy (370) feet from the front property line, and said generator will not be readily visible from Clinton Road; and

WHEREAS, this Board recognizes the benefits derived from the installation of standby generators during times of widespread power losses; and

WHEREAS, the Applicant has provided credible testimony that the noise levels of the proposed generator will not exceed the levels established by the State of New Jersey; and

WHEREAS, the Applicant has provided sufficient credible testimony to meet the N.J.S.A. 40:55D-70.c.1(c) requirements for the granting of the variances requested and that the variances requested can be granted without substantial detriment to the zone plan and zone district; and

WHEREAS, the Applicant has also provided sufficient credible testimony to meet the N.J.S.A. 40:55D-70.c.2 requirements for the granting of the variances requested and that the variances requested can be granted without substantial detriment to the zone plan and zone district; and

WHEREAS, Other than the variances requested, this application substantially meets all other requirements of Chapters 18A and 20 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 **21st day of April, 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) All conditions of previous approvals, dated October 5, 2009, July 28, 2010, and July 22, 2013 shall remain in full force and effect.
- 4) This application is subject to the approval of the Essex County Planning Board, which has stated in evidence item A-8 that no application to same is required.
- 5) The Applicant shall promptly pay the past due Water/Sewer balance as shown in evidence item B-2.
- 6) 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.

The recommended motion was moved by Mr. Smith and with a second by Mr. Dremel. The motion was approved by a vote of 7-0.

3. P14-01, Sparroween, LLC t/a Cigar Emporium, 658 Bloomfield Avenue, Block 2205, Lot 4, B-1 Zone; Property Owner Mohammed Zeidan and Pattol Zeidan; Site Plan/occupancy for retail sale of tobacco products and accessories. Present was Michael Rubin Esq. This application did not require notice; however Mr. Rubin felt obligated in the case of unforeseen variances if necessary.

Ms. Marchetti recused herself as an officer of the West Essex First Aid Squad (within 200 feet of applicant property) and Mr. Palmissano was seated to hear this application.

Mr. Rubin briefly opened, requesting a minor site plan approval, stated that there would be minor interior renovations and replacement of an air condenser and ventilation pipe to the exterior of the building.

Ms. Bross verified that the taxes and water are current and that the application was properly noticed if necessary.

Chairman Mudd stated that the Board will only grant approval for Use regarding a retail store and a lounge for customers. The Board does not grant approvals for indoor smoking, as it is not within our jurisdiction, and any approvals granted for use will not carry any kind of approval for indoor smoking. Mr. Rubin stated that his client understands that to obtain approval for indoor smoking he must meet regulatory requirements.

The evidence marking list A-1 to A-4 and B-1 to B-5 was entered into the record by title.

Mr. Richard Yanuzzi, sole member of Sparroween LLC , trading as Cigar Emporium provided the following direct testimony and answers to questions from the Board:

- Applicant is applying for occupancy of 658 Bloomfield Avenue to operate a retail tobacco store; only boutique cigars, lighters and cutters will be offered and no other tobacco products (cigarettes, pipe tobacco etc.) will be sold.
- Owns store in Lyndhurst for 19 years, that location has been grandfathered in for indoor smoking.
- The majority of customers to the West Caldwell location will come in to purchase a cigar and leave.
- There will be no parties or renting of the space
- There will be no outdoor seating, no memberships, no gambling
- The Applicant agrees to advise customers that there will be NO parking in the West Essex First Aid Squad parking lot.
- Operation hours will be Monday – Thursday 11am – 10 pm; Friday 11am – 12am; Saturday 10am – 12am, Sunday 10am – 10pm
- Applicant agrees not to serve food or alcohol, not to permit, promote, organize or advertise gambling, game nights, bachelor parties or tournaments.

David Black of 24 Dalewood Road, Captain of the West Essex First Aid Squad, spoke and wanted to remind the Board that there is currently no parking on Melrose Place. Mr. Black is very concerned about the parking and is asking that the Board require NO Parking signs in front of the entrance to the Squad lot. Parked cars along the Avenue will cause an eminent visual impairment for emergency vehicles exiting the lot.

Mr. Anthony Guzzo of Guzzo + Guzzo Architects, LLC in Lyndhurst NJ was sworn in and accepted as an expert and offered testimony and answers to questions from the Board regarding the site plan.

Mr. David Mantone of DJM Consulting offered testimony regarding his memo marked A-5 and answers to questions of the Board:

- The design is for a heat pump split HVAC system that is 100% outside acapable.
- The unit will operate as a 100% outside air unit with no recirculation of air, which is required by code.
- The system will meet ASHRAE, NJ adopted International building and mechanical codes and will effectively prevent smoke odor and particulates from infiltrating anywhere outside the proposed space.
- Any person living upstairs or standing outside of the building will not smell cigar smoke by virtue of this system.

There was no one from the Public to be heard.

The hearing was closed.

Mr. Smith made the following motion:

WHEREAS, Sparroween, LLC t/a Cigar Emporium (“Applicant”) has submitted Application **No. P14-01** to the Planning Board of the Township of West Caldwell (“Board”) for Site Plan

Occupancy approval with regard to the premises, Block 2205 Lot 4 in the B-1 Zone as shown on the Tax Maps and having a street address of **658 Bloomfield Avenue**; and

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

WHEREAS, this Board has classified this application as a Site Plan/ Occupancy not requiring public Notice, although not required the Applicant did properly notice ; and

WHEREAS, this Board has considered all documents submitted in connection with this Application and marked as A-1 thru A-15 and B-1 thru B-5 ; and

WHEREAS, this Board has considered all testimony of the Applicant and/or its witnesses including witnesses qualified by this Board as experts in the fields of engineering and architecture; and

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

1. The use proposed by this Application is for the retail sale of Tobacco products and accessories.
2. The business name will be Cigar Emporium.
3. The proposed hours of operation will be Mon.- Thurs 11am – 10pm, Fri. – Sat 10am – 12am and Sunday 10am – 10pm
4. The property has no onsite parking available. This deficiency was the subject of a previous parking variance approved by the Planning Board in 1981 and since that time similar uses have existed on this site. In the absence of abandonment, this variance will remain in effect.
5. The maximum number of employees on any shift will be one (1).
6. There will be no private parties.
7. There will be no food or drink sold.
8. There will be no card games or gambling.
9. There will be no outdoor seating.
10. There will be no alcoholic beverages served by Applicant.
11. There will be no gaming area in this store.
12. In addition, any approval must be conditioned on Essex County Planning Board Approval.
13. The Applicant has read, understands and will comply with the Fire Official's memo marked B-3.
14. The Applicant has read the recommendations of the Health Officer in memo marked B-5.
15. Applicant is willing to notify customers of parking in proper locations around site.
16. Applicant will use the entire first floor area.
17. Applicant will screen exhaust system on side of building to mirror the other side.

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

1. The use requested in this application is a permitted use in this Zone District.
2. This application neither requests nor requires the granting of any variances or exceptions by this Board.
3. This application does substantially meet all the requirements of Chapters 18A & 20 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 **21st day of April, 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,
4. All signage of any kind, including but not limited to 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 Fire Official
6. The Applicant will post signage regarding proper parking on and around the site.

LAST, 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.

The motion was seconded by Mr. Palmissano and approved by a vote of 7-0.

INVITATION FOR PUBLIC COMMENT :

There were no questions or comments from the public.

ADJOURNMENT: The meeting adjourned at 9:07

Respectfully submitted,

Tamara E. Bross, Board Secretary