

PLANNING BOARD MINUTES
PUBLIC MEETING
June 9, 2014

A public meeting of the Planning Board of the Township of West Caldwell was held on June 9, 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, Chairman Mudd, Ms. Marchetti,
Members absent: Mayor Tempesta, Mr. Smith, Councilman Wolsky, Mr. Palmisano
Advisors present: Sal Rocarro Esq. and Tamara E. Bross.

MINUTES

Minutes of April 21, 2014 shall be carried.

HEARING

1. P14-08 Max Lite Inc.; 10 York Avenue, Block 1201, Lot 15, M-1 Zone; Property Owner JJGM Investment Associates Inc.; Applicant seeks Minor Site Plan approval to occupy approximately 16,000 square feet of an existing 36,672 square foot floor area building for the purpose of office, light assembly and warehouse.

Present was Jack Dussinberre, Esq. Ms. Bross said the application was properly noticed and taxes are current. The evidence marking list A-1 to A-9 and B-1 to B-4 was entered into the record.

Mr. Dussinberre made a brief opening statement for the applicant.

Todd Kim was sworn in and is the general manager of MaxLite Inc. Mr. Kim provided the following direct testimony and answers to questions from the Board:

- MaxLite is a distribution and assembly plant of energy saving lamps and LED bulbs.
- They plan to occupy half of the space of 10 York Avenue.
- The space is divided by an interior wall from front to back.
- The maximum number of employees would be thirty to thirty-five (30-35) with about ten to fifteen (10-15) in the front office and the balance in the warehouse.
- No major changes to property with the exception of adding a window for viewing warehouse from offices, relocate doors, carpet and paint.
- Assembly equipment, racking and storage will be added to the warehouse area.
- No exterior changes will be made to the property by Applicant.
- The landlord has agreed to replace the dumpster enclosure.
- The landlord has agreed to patch and fill cracks of parking lot.
- The applicant has stated that there is more than enough parking for the employees.

- MaxLite will not be occupying the mezzanine level.
- Hours of operation will be 8:30 to 5:00 Monday thru Friday with no weekend hours planned.
- Trucks will be using the loading docks in rear of property for deliveries of parts and distribution of finished product.

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

The hearing was closed.

Chairman Mudd recommended the following motion:

WHEREAS, Max Lit Inc. (“the Applicant”) has submitted Application No. P14-08 to the Planning Board of the Township of West Caldwell (“the Board”) for Site Plan/Occupancy approval with regard to the premises, Block 1201 Lot 15 in the M-1 Zone as shown on the Tax Maps and having a street address of 10 York Avenue; 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 Minor Application not requiring public notice; and

WHEREAS, this Board has considered all documents submitted in connection with this Application and marked as A-1 thru A-9 and B-1 thru B-4 ; and

WHEREAS, this Board has considered all testimony of the Applicant and/or its witness; and

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

1. The Applicant proposes to occupy one-half of the building on the property which is the subject of this Application.
2. The floor to be occupied is approximately sixteen-thousand four-hundred (16,400) square feet.
3. The Applicant presently occupies the adjacent building at 12 York Avenue and intends to expand its current business operation at this location.
4. The use will be light assembly, office, and warehouse operations.
5. The intended hours of operation will be 8:30AM to 5:30PM on weekdays.
6. The expected number of employees will be thirty (30) to thirty-five (35).
7. There will be no changes to the building exterior.
8. The Applicant will be assigned forty-nine (49) parking spaces which will be adequate for its use.
9. The Applicant will conform with the Township’s Performance Standards.
10. The parking lot will be repaired in accordance with Township regulations.
11. The dumpster screening will be repaired or replaced in accordance with Township regulations; and

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

1. The use requested in this application is light assembly, office and warehousing which are permitted uses in this M-1 Zone.
2. This application neither requests nor requires the granting of any variances or exceptions by this Board.
3. This application does meet the multiple occupancy requirements of Section 20-13.5.b of the Revised General Ordinances of the Township of West Caldwell.
4. This application does substantially meet all other 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 9th day of June 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 signage of any kind requires separate application to and approval by this Board's Sign Committee.
4. The dumpster area screening shall be repaired or replaced in accordance with the regulations of the Township of West Caldwell.
5. The Applicant shall provide an updated as built site plan for record purposes.
6. The parking area shall be repaired and re-stripped in accordance with the regulations of the Township of West Caldwell. In the event current regulations require any additional ADA compliant parking spaces, the Applicant shall provide an updated striping plan for review and approval by the Zoning Officer.
7. 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.

A motion was made by Ms. Marchetti to move the motion, seconded by Mr. Dremel and approved by a vote of 4-0.

1. P14-09 The Ambriola Company Inc.; 7 Patton Drive, Block 1201, Lot 8, M-1 Zone;
Property Owner: The Ambriola Company Inc.; Applicant seeks Minor Site Plan approval to install a 3000 gallon liquid nitrogen tank in the rear yard and add one (1) van accessible ADA compliant parking space.

Present was Michael Rubin, Esq. Ms. Bross said the application was properly noticed and taxes are current. The evidence marking list A-1 to A-3 and B-1 to B-4 was entered into the record.

Adam Tracy was sworn in and is the product manager of Ambriola Company. Mr. Tracy provided the following direct testimony and answers to questions from the Board:

- Mr. Tracy is employed by the Ambriola Company as a Product Manager and has been employed as such for five years.
- Ambriola Company is an importer and distributor of Italian cheese.
- The installation of the proposed nitrogen tank will enhance and upgrade the operation of the business and maintain the shelf life for freshness.
- There is no question that liquid nitrogen is not hazardous.
- One compressor is used with the tank and will only be operating from 8:00am – 4:30pm.
- Adalbert Albu was sworn in and is a NJ licensed Architect that has appeared before this Board many times. Mr. Albu Prepared site plan for Applicant, last revised 4/17/2014, and provided testimony and answers to questions from the Board about the site plan.

There were no questions for Mr. Albu from the public based on his testimony.
There were no questions or comments about this application from the Public.

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

WHEREAS, **Ambriola Company**, (“Applicant”) has submitted **Application No. 14-09** to the Planning Board of the Township of West Caldwell (“Board”) for site plan approval, with regard to the premises **Block 1201, Lot 6** in the M-1 Zone as shown on the Tax Maps and having a street address of **7 Patton Drive, 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 Minor Site Plan for the installation of a 3000 gallon liquid nitrogen storage tank; and

WHEREAS, this Board has considered all documents marked A-1 thru A-3 and B-1 thru B-4 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 operations and licensed architecture in support of this application; and

WHEREAS, the Applicant has received previous approval for site plan approval for food preparation, packaging, distribution and associated offices; and

WHEREAS, the Board has received a referral from the West Caldwell Township Fire Official who has indicated that liquid nitrogen is not a hazardous material in accordance with the customary definition used by the Planning Board to determine permitted and prohibited materials that can be stored in this zone; and

WHEREAS, based on said referral the Board has determined that the structure is a permitted accessory structure within the zone district and the storage of liquid is a permitted use; and

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

WHEREAS, the Applicant expert has testified that the proposal will conform with the performance standards of the Township of West Caldwell; and

WHEREAS, the expert testimony provided in the field of architecture, indicates that the plan substantially meets all requirements of Chapters 18A and 20 in 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 **9th day of June, 2014**, that the said Application for Minor Site Plan be and the same is hereby **APPROVED**, subject to the following conditions:

- 1) In the event the Zoning Officer determines that noise from the new installation may exceed permitted limits, the Applicant shall conduct an acoustic analysis, with a consultant satisfactory to the Board, to establish compliance with applicable standards. If the sound levels do not comply with those standards, the Applicant shall, within 30 days submit an application to the Board with a remediation plan.
- 2) The Applicant shall comply with all representations made before this Board
- 3) The compressor for cooling the liquid nitrogen shall only be operated during the hours of 8:00am to 4:30pm.

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. Demel and APPROVED by a vote 4-0.

INVITATION FOR PUBLIC COMMENT

There were no questions or comments from the public

ABJOURNMENT

The meeting adjourned at 7:56PM

Respectfully submitted,

Tamara E. Bross, Board Secretary