

**PLANNING BOARD MINUTES  
PUBLIC MEETING  
September 8, 2014**

A public meeting of the Planning Board of the Township of West Caldwell was held on September 8, 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. Smith, Ms. Marchetti and Councilman Wolsky.

Members absent: Mr. Palmisano

Advisors present: Greg Castano Esq. and Tamara E. Bross.

**MINUTES**

On a motion by Mayor Tempesta and a second by Ms. Marchetti the minutes of July 28, 2014 were approved 5-0-2 with abstentions by Mr. Dremel and Mr. Smith.

Mayor Tempesta requested a moment of silence be taken to remember Mayor Reiher after his passing on the 6<sup>th</sup> of September. Chairman Mudd offered that Mayor Reiher was a true gentleman and shared memories.

**HEARINGS**

**P14-10 McDonald's USA, 940 Bloomfield Avenue, Block 1903, Lot 1, B-3 Zone**, Property Owner Mundelein Development Corp.; Site Plan Approval with variances; Notice Required.

Chairman Mudd noted that this hearing is a further continuation of the hearing started on August 11, 2014 and continued on August 24, 2014.

Present was John Wyciskala, Esq. of Inglesino, Wyciskala & Taylor, LLC Parsippany, New Jersey.

Mr. Wyciskala made a brief opening statement at this the third hearing for this application. McDonald's is withdrawing the variance request for the free standing sign and will conform to the 25 foot setback requirement. Additionally, the applicant has submitted revised plans to reduce the square footage of the two signs mounted on the front of the building.

Joseph Sparone, with Dynamic Engineering, was recalled and testified in support of the application.

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

Chairman Mudd reviewed the variances requested.

Recess was taken 7:26 PM  
Meeting resumed at 7:33 PM

Mr. Wyciskala offered revisions to the application.

There was no one from the Public that wished to give sworn testimony.

Daniel Cohen Esq. from the law firm of Newman and Simpson LLP, expressed concerns about jurisdiction of application and whether or not it meets the requirements of conditional uses; specifically one drive up window and feels it belongs in front of the Board of Adjustment.

Mr. Castano observed no brief had been submitted in support of the objection and stated that the matter would be considered by the Board.

Mr. Wyciskala briefly summed up and the hearing was closed.

The Board discussed the application.

Mr. Martorana offered a proposed resolution for consideration by the Board which was seconded by Mr. Smith and APPROVED by a 7-0 vote.

**INVITATION FOR PUBLIC COMMENT**

There were no comments from the public

**ADJOURNMENT**

The meeting adjourned at 8:16PM

Respectfully submitted,

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Tamara E. Bross      Planning Board Secretary