

**PLANNING BOARD MINUTES**  
**PUBLIC MEETING**  
**March 23, 2015**

A public meeting of the Planning Board of the Township of West Caldwell was held on March 23, 2015, 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, Mr. Smith, Ms. Marchetti, Councilman Cecere and Mr. Palmisano

Members absent: Mayor Tempesta

Advisors present: Sal Rocarro, Esq. and Tamara E. Bross.

**HEARING**

Application P15-03, Jersey Mike's Subs (property owner MSM Center Associates), 777-787 Bloomfield Avenue, Block 1000, Lot 2 in the B-3 Zone – amended site plan for occupancy with conditional use. This application required notice to the public and same was given.

Mr. Dremel recused himself because he is a property owner within 200 ft. and was given notice.

Present was Michael Rubin, Esq., who was representing the applicant. Mr. Rubin advised he reviewed evidence marking list presented by Ms. Bross and he was in agreement with same.

Ms. Bross advised that real estate taxes are current on the property.

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

Matthew Catania was sworn in as the principal of Jersey Mike's Subs and provided the following direct testimony:

- He currently operates 7 locations
- Serves cold and hot sandwiches
- Slices in front of customers
- Hours 10-9, 7 days a week
- Average of 15 employees
- Familiar with performance and conditional use standards
- Applicant will comply with certifications
- Drawings shows 29 dining seats
- Take-out will be about 50% of business, Mr. Martorana asked applicant to post that customers are to park in designated parking spaces and not at the curb
- Sq. footage of the dining area will be approximately 455 sq. ft.
- Trash removal to be done by private contractor
- Deliveries by rear entry
- There will be 12 parking spaces

There was an issue whether or not there is a water meter for each unit, need to confirm with water dept.

Separate signage will be submitted (Chairman Mudd advised that 2 separate sign applications will be required)

Evidence marking B-4 – more frequent waste pick up will be required for the waste in the dumpster – Chairman Mudd asked applicant to confirm with property owner regarding same.

There were no questions from the Public; No one from the public wished to comment or give sworn testimony on this application.

Chairman Mudd requested a motion to close the hearing; Motion made by Mr. Smith to close; Ms. Marchetti seconded. All approved, no one opposed.

After Board deliberation Mr. Martorana made the following motion:

WHEREAS, Jersey Mike's Subs has submitted Application No. P15-.3 to the Planning Board of the Township of West Caldwell 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 777-787 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 required by New Jersey Statutes; and

WHEREAS, the 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, the Board has considered all documents submitted in connection with this Application and marked as A-1 through A-12 and B-1 through B-4;

WHEREAS, the Board has considered all testimony of the Applicant and/or its witnesses qualified by the Board

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

The use proposed by this Application is a 29 dining seat restaurant (with take-out available);

The business name will be Jersey Mike's Subs;

The hours of operation will be 10am to 9pm, 7 days a week;

The proposed maximum number of employees on any shift will be 5 employees;

The dining area required by ordinance for 29 dining seats is 435 square feet and a minimum 455 square feet of dining area is provided;

The number of parking spaces required by ordinance for 29 dining seats is 12 and 12 parking spaces are available in the shopping center parking lot;

Deliveries will be made and brought in through the rear door;

Garbage and or trash removal will be by a private contractor;

Excluding signage, there will be no changes to the exterior of the building; and

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

The use requested in this Application is a restaurant (with takeout available) which is a Conditional Use in this Zone District;

This Application neither requests nor requires the granting of any variances or exceptions by this Board;

This Application does substantially meet all the requirements of Chapters 18A and 20 of the Revised General Ordinances of the Township of West Caldwell;  
This Application does meet all the Conditional Use Standards required by Chapter 20.17.17 of the Revised General Ordinances of the Township of West Caldwell.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Planning Board of the Township of West Caldwell on this **22<sup>nd</sup> day of March, 2015** 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 item A-8 that no application to the same is required;
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. 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;
6. Application will follow up with the water department regarding reading of the water meter;
7. Applicant will review report from health department regarding trash pick-up with the property owner.

The motion was seconded by Mr. Palmisano.

Ms. Bross polled the Board.

Application was approved 6-0.

## **INVITATION FOR PUBLIC COMMENT**

There were no questions or comments from the public.

## **ADJOURNMENT**

The meeting was adjourned.

Respectfully submitted,

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Tamara E. Bross, Board Secretary