

**WEST CALDWELL PLANNING BOARD
PUBLIC MEETING MINUTES**

May 23, 2016

A Public Meeting of the Planning Board of the Township of West Caldwell was held on May 9, 2016 at 7:25 P.M. in the Municipal Building, 30 Clinton Road, West Caldwell, New Jersey. Chairman Richard Mudd opened the meeting and read the opening statement.

ROLL CALL

Members Present: Mr. Martorana, Mr. Dremel, Mayor Tempesta, Chairman Mudd, Mr. Smith, Ms. Marchetti, Mr. Cecere and Mr. Palmisano

Advisors Present: Gregory Castano, Esq., Lynda Korfmann, Secretary to the Planning Board

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Chairman Mudd offered Public Meeting Minutes of May 9, 2016 for comment or correction. No comments or corrections being offered, Chairman Mudd asked for motion to approve the minutes. On a motion by Mr. Smith, and a second by Ms. Marchetti, the Board unanimously approved the Public Meeting Minutes of May 9, 2016.

HEARING:

P16-02 11 Jackson Road Realty Associates, LLC, 666 Passaic Avenue, Block 1002, Lot 34, Zone M-1 District.

Seeks variances for (a) parking (Section 20-23.4(a) – 362 parking spaces required and 124 exist and will remain; (b) loading platforms (Section 20-13.5(4) – requires loading platforms in rear of building and proposed are in the rear and side yards; (c) lot frontage (Section 20-5.4(6)) – with 40% required (lot width) and pre-existing, non-conformity of 17.8% to remain unchanged; and (d) maximum building coverage – requires 35% and pre-existing, non-conformity of 36.5% to remain unchanged.

Elizabeth Durkin, Esq., counsel for the Applicant entered her appearance. Co-counsel John E. Vitale, Of Counsel to The Durkin Firm also entered an appearance. Ms. Durkin brought her own court reporter to the meeting as well.

Ms. Durkin recited that the application was filed on March 4, 2016. The Applicant attended two conference meetings – one on March 14, 2016 and one on April 11, 2016. The application has been timely noticed and the Board agreed that the application was deemed complete. The Evidence Markings were acknowledged and accepted, subject to additions by Ms. Durkin.

Ms. Durkin provided a historical overview of the property based upon evidence she obtained through an OPRA request. She discussed the Nessor Alloy ownership and usage of the property and prior approvals that had been granted by the land use board in West Caldwell. She explained that the current Applicant paid Five Million (\$5,000,000.00) Dollars for the property and seeks to improve the building which sits in an M-1 zone district. She noted that she has three experts to present – Chuck Stewart as an engineer, Lisa

Phillips as a planner and Damian Melo of Mancini Duffy as an architect. Ms. Durkin added that there are pre-existing, non-conforming conditions and that the Applicant seeks to modernize the exterior and add loading platforms on the side of the building adjacent to existing loading platforms. The Applicant also reduced the design configuration from 4 tenant spaces to 3 tenants for warehouse use or any permitted M-1 use with ancillary office space.

Mr. Martorana offered two comments. First, he noted that there is no issue of abandonment since the property has been well maintained, the owners are known in community, other inquiries have been made over the years regarding the property. Second, he noted that the variance for parking comes down to tenancy and that the existing parking is an existing, non-conforming condition. He added, that this application involves a renovation to the building and not any occupancy and therefore, no parking demands are being made. He asserted that the building already complies as it is a non-conforming conditions. He stated that the parking issue may only need to be addressed when a tenant makes an application for occupancy. The Board agreed with Mr. Martorana's comments.

WITNESS #1 – Chuck Stewart of GC Stewart, the Applicant's engineer (sworn in by the court reporter.) The Board accepted Mr. Stewart as an expert without having to be qualified due to his prior appearances before the Board. Mr. Stewart acknowledged that he visited the site many times and is familiar with it and the requirements of the M-1 zone. Mr. Stewart reviewed his plans marked as Exhibit A-9 discussing the layout of the zones, the site plan, the parking, the buffer area between the building and the residential properties and the existing sanitary sewer line and easement that runs through the building. New Exhibit A-10 was introduced and accepted – copy of the recorded easement. Mr. Stewart agreed that the proposed work complied with the conditions of the easement. Mr. Stewart discussed the buffer area, its dimensions and the banked parking area which is noted as the hatched area on the plans. The current parking configuration provides 116 spaces; 4 spaces will be lost to enclosed dumpster areas; banking parking will provide an addition 37 spaces for a total of 149 spaces. He reviewed that the three (3) proposed tenants areas will allow for warehouse space and ancillary office space designated as Area A, B and C. Each unit will have its own loading dock area with new doors. He commented that STS Tire and PSE&G power lines are adjacent to this property. He discussed the parking calculations and the proposed office square footage for each tenant (Area A= 2,895 SF; Area B=2,795 SF; Area C=3,240 SF) and the remaining 99,320 SF of warehouse space. He stated that Nessor Alloy used the entire space and only required 116 parking spaces. He opined that the proposed use seems to be a less intense use. He added as to the loading dock variance, he believes that there will not be any negative impact because the new docks will be located behind the notch in the building and will not be visible from the street. He noted that the building is rundown, tired and in need of rehabilitation on the façade and interior. Landscaping has been removed and will be replaced which is another positive. Mr. Stewart stated he could not comment on the prior usage of liquid nitrogen tanks on the site, but is aware that no hazardous materials are proposed to be used on site in the current application.

He reviewed the pre-existing, non-conforming bulk variances needed. First, a side yard set back – 40% of the lot width is needed. Second, maximum coverage – building coverage is not to be more than 35% of lot area – current building coverage is 36.9%.

He reviewed the landscaping plan and noted that he worked with a landscape expert to provide 175 proposed plantings on site.

He reviewed the exterior lighting. He noted that in the parking area the Applicant will upgrade the lighting to meet municipal requirements, intensity/foot candles have not been specified, but he stated what will be installed will not exceed the requirements. He said the existing exterior building lights will be

rehabilitated and made functional, but no new lights will be added.

He reviewed the site plan and noted that two refuse container areas are proposed to be located in the NE and SE corners of the property. The containers will be enclosures installed on concrete pads. Details are included on the plans.

He reviewed ADA parking requirements and indicated that the plan is ADA compliant. Five ADA spaces are available with 3 being van accessible. Only 3 existing handicapped parking spaces exist on the property.

Reference is made to Exhibit B-6, the Water Department Report and Mr. Stewart indicated that access to the man hole will be provided, there will be only one water meter on site and the Applicant will comply with the suggestions of the Water Department. The construction plans will detail the Water Department concerns.

Reference was made to Exhibit B-1 and B-2, the Maser Reports and noted that other experts will respond to these reports.

Ms. Durkin completed her questioning of Mr. Stewart.

Chairman Mudd inquired if in the area of the banked parking, if the Applicant would agree to install a fence along the rear to block vehicle headlights. The Applicant agreed to such a condition, but added that the natural grade rises about 4 feet to 5 feet, so a natural berm already exists.

Mr. Martorana noted that the Applicant should review stormwater management regulations to ensure compliance and to confirm that any existing inlets that are in disrepair will be fixed. He added that the sanitary sewer is tough to address at this time as there are no actual tenants. Mr. Stewart stated that he was unaware of any existing problems with the sanitary sewer system.

Chairman Mudd opened up the meeting to public questions for Mr. Stewart.

Joe Kauper, 111 Fairfield Avenue. He inquired if the parking in the rear is definite. Mr. Stewart explained that it is future parking that will not be built, if not needed. He added that any existing lighting will be directed toward the parking lot so as not to shine in neighboring yards.

George Vecchiet, 109 Fairfield Avenue. He inquired if there was sufficient parking for Nessor Alloy. Mr. Stewart responded in the affirmative. The resident stressed his concern regarding parking. Mr. Martorana interjected that each tenant will need to appear before the Board so each tenant will have a parking plan reviewed. The resident inquired about sound. Mr. Stewart responded that there is a municipal ordinance that addresses noise. The Board noted that it may bring in its own acoustic expert to verify.

Sebastian Guildeau, 115 Fairfield Avenue. He inquired if additional parking is needed, will the residential property owners be notified prior to the expansion of the parking lot. The Board explained that no notice is required to be given. The resident inquired about the specific distance of the minimum buffer and what amount of the existing buffer may be removed. Mr. Stewart confirmed the minimum buffer permitted is 30 feet. The Applicant may remove about 40 feet of buffer on one end and up to about 75 feet of buffer at the other end.

George Vicchiet, 109 Fairfield Avenue. He asked if the buffer could be held at 50 feet.

Joe Kaufer, 111 Fairfield Avenue. He asked what constitutes a buffer. The Board read the definition as set forth in the ordinance book. Mr. Stewart noted that the existing 30 foot buffer could not be disturbed. He added that the Applicant could add a berm or fence to shield car lights. He also noted that no trees may be removed in the buffer area. Mr. Martorana suggested that a temporary fence or barrier be installed during any construction project to avoid any accidental removal of trees in the buffer area.

WITNESS #2: Lisa Phillips, the Applicant's planner (sworn in by the court reporter). Ms. Durkin qualified Ms. Phillips and she was accepted as an expert by the Board. Ms. Phillips presented a discussion of the site as it exists. New Exhibit A-12 was marked as evidence and is a series of photographs taken by Ms. Phillips showing the existing exterior conditions of the building. She noted that the building is outdated. She pointed out that the building is located in a prominent place on Passaic Avenue as someone enters the municipality. The proposed modernization of the building will be in keeping with the style of the times. She reviewed the Master Plan and explained how the Applicant's proposal meets the objectives set forth in that plan. She commented on parking, additional loading zones in the side yard, banked parking, buffer area and the façade.

The Board then presented questions to this expert. Mr. Martorana noted that the current uses and parking really are speculative and had Ms. Phillips confirm that she had no objection to viewing the application as a pre-existing, non-conforming use that does not need a parking variance at this time. Ms. Marchetti had Ms. Phillips confirm that she is unaware of the expected use of the building at this time, other than whatever is permitted in an M-1 zone.

Chairman Mudd opened up the meeting to public questions for Ms. Phillips.

George Vicchiet, 109 Fairfield Avenue. The resident inquired if the number of tenants could be expanded from 3 tenants. Mr. Mudd noted that the application before the Board provides for 3 tenant spaces/warehouse spaces with ancillary office space.

Joe Kaufer, 111 Fairfield Avenue. He asked how long would the rehabilitation work take and was advised that the architect would respond to that question.

The Board then took a ten minute break which started at 9:10 pm.
The Board resumed the meeting at 9:21 pm.

WITNESS #3 – Damian Melo of Mancini Duffy, the Applicant's architect (sworn in by the court reporter). Ms. Durkin qualified Mr. Melo and he was accepted as an expert by the Board. Four new exhibits were accepted into evidence: A-13 – a view of Passaic Avenue with proposed renderings of the façade; A-14 – split prints of aerial shots from Passaic Avenue with the top rendering showing a raised roof to match the existing higher height of the existing building and the lower rendering showing the existing roof conditions to remain as is; A-15 – north side view – rendering from Passaic Avenue; and A-16 – split prints from the SE corner (rear) of the building with the top rendering showing a raised roof option to match the existing higher roof height and the lower rendering showing the existing roof conditions to remain as is. Mr. Melo discussed the existing building and the proposed rehabilitation work. He explained the proposed changes to the building and referenced the Exhibits in his testimony. He added that the proposed materials (EFIS) are to be applied to the existing exterior surfaces in the front and the rear and portions of the sides of the building will be remain and just be painted. The rear two windows will be blocked and closed. At the front of the building, new walkway and plantings will be installed.

The Board then presented questions to this expert. Mr. Palmisano inquired about the height of the parapet at the front entrance and Mr. Melo responded that the existing height is about 11'-6" and the new height will be about 15'. Mr. Melo added that there will be no change to the parapet at the rear of the property which has a height of about 1'-0".

Mr. Peter Ricci, the Board's consulting architect, to ask questions. Ms. Durkin noted some objections and preserved her clients rights before Mr. Ricci spoke. Gregory Castano, Esq., counsel to the Board, stated on the record that Mr. Ricci should be allowed to present questions in his capacity as the Board's professional without need for a resolution.

Mr. Ricci questioned the architect Mr. Melo concerning details of the architectural drawings. He noted that there is significantly more detail on the Exhibits presented at the meeting. He inquired about the material to be used for the metal paneled parapets. He was told grey metal panels. The store front will be clear anodized metal and the windows are to be glass with a green tint. Mr. Ricci asked if the higher elevations of EFIS will be grey and white with score joints breaking out the two colors. Mr. Melo confirmed that information. Mr. Melo added that the EFIS will be returned on the north and south walls about 106 feet. More specifically, on the north side the EFIS will be carried down just past the second loading dock. Roof screens were confirmed as metal panels to match the front panel. Height of these panels is unknown at this time, but HVAC units that need to be screened generally are about 6'-0" in height. Mr. Ricci commented about the importance of the durability of the materials used. He noted that EFIS at ground/lower levels may not be durable even with using high impact mesh. Mr. Ricci also asked if the rear of the building could be painted in multi-tone, keeping with the color palette. Mr. Melo agreed that this multi-tone painting was not objectionable to the Applicant.

When Mr. Ricci finished, Mr. Martorana added that he was comfortable with the schematics now presented by the Applicant. He inquired if Mr. Melo reviewed the details of the Vo-Tech school work to ensure that the finishes are not incongruous. Mr. Melo stated he was not familiar with the Vo-Tech work and could not comment.

Chairman Mudd opened up the meeting to public questions for Mr. Melo.

Joe Kaufer, 111 Fairfield Avenue. He asked if the rear HVAC units on the roof will be screened. Mr. Melo responded that there will be screening.

Ms. Durkin stated that she had no more witnesses.

Chairman Mudd opened up the meeting to public testimony. No one stood to speak.

INVITATION FOR PUBLIC DISCUSSION

Chairman Mudd opened up the meeting to public comment.

Jenna Ficcia, 101 Fairfield Avenue. This resident comments about the undesirable nature of the banked parking.

George Vicchiet, 109 Fairfield Avenue. This resident proposed that the Board consider requiring parking in the front of the building so as to reduce the need for expanding the parking into the buffer area.

Sebastian Guildeau, 115 Fairfield Avenue. This resident expressed concern over the noise and traffic.

Mr. Martorana commented about the application – the attempt to minimize parking as noted by the engineer and planner, no hazardous chemicals being handled, developer has worked in the municipality before and performed well, the Board may only consider safe egress and ingress (not offsite traffic conditions). The positives in the testimony although subtle, were presented with good comments from the Applicant’s experts.

Joe Kaufer, 111 Fairfield Avenue. This resident discussed his concern with light and noise. He stated that he assumes that the trees will be removed and the buffer area reduced.

Mr. Palmisano suggested that the Applicant consider planting evergreens (possibly 8’-0” trees) in front of the banked parking area rather than a fence. The Applicant indicated that the proposal was acceptable – a berm and evergreens.

Chairman Mudd requested a motion to close the hearing. Mr. Smith made the motion and Mr. Cecere seconded the motion. The motion was approved unanimously and the hearing was closed.

The Board members commented about the application. Lynda Korfmann, Board Secretary confirmed that the real property taxes were current. Mr. Martorana then provided a motion to approve the application which was seconded by Mr. Smith, which approval shall be memorialized by Gregory Castano, Esq.

Upon conclusion of the motion, the Board had no further discussion and offered no additional conditions. The Board unanimously approved the motion with conditions.

INVITATION FOR PUBLIC COMMENT

There were no questions or comments from the Public.

ADJOURNMENT

The meeting adjourned at 10:41 p.m.

Respectfully submitted,

Lynda Korfmann
Secretary to the Planning Board