

**WEST CALDWELL PLANNING BOARD
PUBLIC MEETING MINUTES**

November 14, 2016

A Public Meeting of the Planning Board of the Township of West Caldwell was held on November 14, 2016 at 7:00 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 and Ms. Marchetti

Members Absent: Councilman Cecere and Mr. Palmisano

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

APPROVAL OF MINUTES

On the motion of Mr. Smith and a second by Ms. Marchetti, the Minutes of the October 17, 2016 Public Meeting were approved by the Board members present who were entitled to vote on the Minutes.

RESOLUTION

No resolutions to be memorialized.

HEARING

PB16-17 Colter and Peterson, Inc., 19 Fairfield Place, Block 1402, Lot 10, Zone District M-1.
Application without notice for minor site plan approval for change in commercial tenancy.

Applicant's John Dusinberre, Esq. entered his appearance, approved the Evidence Markings and provided a brief opening statement.

Mr. Dusinberre stated that the applicant is in the business of repairing large guillotine paper cutters. He stated Mr. Jeff Marr, a principal of the applicant, Mr. Michael Petry, engineer and Mr. Mel Chetthum, a principal of the owner will testify. He added that there are some pre-existing conditions which will remain.

Applicant – Mr. Jeff Marr

The applicant is represented by Mr. Jeff Marr of 141 Boulevard, Glen Rock, NJ. He was sworn in and stated that he is a principal of Colter and Peterson, Inc., its CFO and is fully familiar with its day to day operations. The Certification of Bruce Peterson (marked as Exhibit A-5) is accurate and he affirms those statements.

Mr. Smith asked that the applicant confirm the days and hours of operation. The applicant stated M-F from 7:30 am until 5:00 pm. The company has 38 employees, but at different locations. In NJ, there are 26 employees and West Caldwell site will be for 20 regular employees and 4 mechanics who will come and

go. If the proposed garbage location needs to be screened, it will be done. Any signage will be by separate sign application.

The public had no questions for this witness.

Applicant's Engineer – Michael Petry

The Applicant's engineer Michael Petry was sworn in and stated that he prepared the Site Plan that was submitted. He discussed the proposed changes to the exterior of the site. The parking lot on the easterly side shall be milled and paved (2 inch top coat) and striped. The parking lot on the westerly side will be seal coated and striped. Landscaping will be addressed in the front of the property. The parking stalls have been adjusted with 37 employee spaces which by Township ordinance are permitted to be 9 feet wide, 4 visitor spaces at 10 x 18 and 2 handicap spaces with an 8' x 8' loading aisle per ADA requirements. Diseased shrubs will be removed and the large shrubs along the front side of the property will be topped. The overhead door on the west side is to be widened by 2 feet and increased in height by 2 feet.

Mr. Petry responded to the concerns raised in the Zoning Official report prepared by Daniel Bloch. He noted that the drive aisles are narrow, but that the condition is a pre-existing, non-conforming condition which is the same circumstance for the depth of the parking spaces. The refuse area will be screened, if needed. The existing slab on the easterly side of the building has been abandoned as the concrete pad is somewhat raised and presents difficulty in moving dumpsters in and out easily. Mr. Petry stated that he thinks that parking space 15 will accommodate a driver adequately. He noted that there is sufficient turn radius. As for space 32, although he acknowledged that the space is up against the pavement edge, there is about 42 feet behind the space to allow for the driver to back out straight and then turn. He stated that 43 spaces are proposed with peak demand requiring 25 for employees and 4 for visitors for a total of 29. If required, the applicant could surrender space 15 and space 32, but he believes it is not necessary. He stated in his professional opinion the ADA spaces are compliant in count, dimension and grade.

Mr. Petry addressed the landscaping items as well and reviewed the proposal. He noted that the planting season has passed so that the applicant likely will need until about early April, 2017 to complete this work.

Mr. Petry noted that the DPW recommendation for a backflow preventer on the domestic water line was not objectionable, if required.

Chairman Mudd inquired if the applicant would consider relocating the dumpster to the existing slab. If not, the applicant will need a variance for the accessory structure which will be created by the fencing in of the dumpster area. The applicant agreed to return the dumpsters to the existing slab and either repair and/or replace the screening as needed. Mr. Martorana asked if the applicant would agree to clear the overgrown brush at the rear of the property to a distance of about 10 feet from the building. The applicant agreed.

The public had no questions for this witness.

Owner – Melvin L. Chetthum

The Owner was represented by Melvin L. Chetthum, one of its managing members, and was sworn in. He stated he is fully familiar with the lease with the applicant and the subject matter of this application. He testified that the owner agrees to perform the paving and landscaping work shown on the site plan. He stated he has entered into contracts with a paving company (DSM) and with a landscaper American Nursery in Fair Lawn). He added that he has had the brush cleared from the building to about 10 feet on one side, but the existing easement prevents him from clearing back too far.

Mayor Tempesta inquired about the timing for paving and landscaping. Mr. Chetthum stated April at the latest. It was added that the Environmental Commission should review the landscape proposal. Mr. Smith had the owner confirm that the one exterior loading dock door was the only exterior change proposed to the building. Chairman Mudd inquired of Mr. Castano as to recourse if the work was not completed by April 30, 2017 and Mr. Castano said that the approval could be rescinded. Chairman Mudd also asked that the owner have the site plan revised to show the new location for the dumpster and the Minor Site Plan Committee can review and approve the submission.

The owner also submitted a new Exhibit A-12 – a color photograph of the rear of the property showing the cleared brush.

The public had no questions for this witness.

Mr. Dusinberre made a closing statement and requested that the application be approved.

Chairman Mudd opened the hearing to accept public evidence or comments, but no one appeared.

A motion was made by Mr. Smith and seconded by Mayor Tempesta to close the hearing.

Comments by the Board: Mr. Martorana stated that the application ended in the right place. Chairman Mudd noted that the Environmental Commission should review the landscape plan and the Minor Site Plan Committee should review the revised site plan when submitted. Mr. Smith proposed the following Resolution:

WHEREAS, Colter and Peterson, Inc. has submitted Application No. PB16-17 to the Planning Board of the Township of West Caldwell for minor Site Plan approval with no variances with regard to the premises designated as Block 1402, Lot 10 in the M-1 zone as shown on the Tax Maps and having a street address of 19 Fairfield Place; and

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

WHEREAS, this Board has classified this application as a Minor Site Plan not requiring public notice; and

WHEREAS, this Board has considered all documents submitted in connection with this Application and marked the documents as A-1 through A-12 and B-1 through B-6; and

WHEREAS, this Board has considered all testimony of the Applicant and/or its witnesses including a representative of the applicant Mr. Jeff Marr; a witness qualified by the Board as an expert in the field of engineering and planning Mr. Michael Petry; and a representative of the owner Mr. Melvin L. Chetthum; and

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

1. The occupant will be Colter and Peterson, Inc.
2. The hours of operation will be 7:30 am until 5:00 pm, Monday through Friday.
3. The constant number of employees on site during any shift is 20 employees.
4. Trash removal will be by a private contractor.

5. Excluding signage, there will be no changes to the exterior of the building except for the change to the loading door on the westerly side of the building.
6. The number of parking spaces required for this occupant is 29 and 43 parking spaces are provided.

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

1. The subject property is located within the M-1 Limited Manufacturing District Zone District. The proposed use is permitted.
2. This application is for Minor Site Plan approval due to a change in commercial tenancy.
3. This application neither requests nor requires the granting of any variances or exceptions by this Board.
4. 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 14th day of November, 2016, that the said application PB16-17 be, and the same is hereby approved subject to the following conditions:

1. The Applicant shall comply with all representations made in testimony and evidence presented before this Board by the Applicant.
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, including, but not limited to directional signs and grand opening banners, requires separate application to and approval by this Board's Sign Committee.
4. The Applicant shall submit a revised landscape plan to this Board's Environmental Commission for review and approval. Said plan shall include planting locations, quantities, common name, Latin name, planted size and full growth size. The plan shall include an indication that the rear of the building will be cleared of overgrowth and maintained for the length of the building for a width of about 6 to 10 feet.
5. The dumpster area(s) shall be screened in accordance with the regulations of the Township of West Caldwell and the Applicant shall submit plans for said screening to this Board's Minor Site Plan Committee for review and approval.
6. The parking area shall be re-paved, sealed and re-stripped in accordance with the Applicant's testimony and in accordance with the regulations of the Township of West Caldwell.
7. All work related to the re-paving, sealing and restriping of the driveway and the landscaping work shall be completed by no later than April 30, 2017. In the event said work is not completed by this date, the Applicant shall be deemed to be in default and this approval shall automatically be deemed null and void and having no further force and effect.
8. The Applicant shall submit to this Board for review and approval revised plans that incorporate any changes made during the course of this hearing to the plans that were submitted and used for this application which includes, but is not limited to, the relocation of the dumpster enclosure area.

9. The Applicant shall comply with that portion of the Zoning Official report to bring the property up to code regarding property maintenance, including, but not limited to, Section 15-7.
10. The Applicant shall submit to this Board for review and approval revised plans that incorporate all changes made during the course of this hearing to the plans that were used for this application.
11. All approvals, the issuance of construction permits and certificates of occupancy or approval 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 to approve the application subject to the proposed Resolution was made by Ms. Smith and seconded by Ms. Marchetti and was approved unanimously by a 6-0 vote of the Board.

INVITATION FOR PUBLIC DISCUSSION

Chairman Mudd opened upon the meeting for public discussion, but no one appeared or wanted to be heard.

ADJOURNMENT

The meeting adjourned at 7:57 p.m.

Respectfully submitted,

Lynda Korfmann, Secretary to the Planning Board