

Planning Board
Virtual Meeting
February 23, 2022

Meeting started at 7:02pm.

Roll Call

Present:

Mayor Lawrence La Ronde
David Hollod
Aimee Corzo
Chairman Tom Fagan
Liz Appezzato
David Branan
Frank Kreder
Andre Mitchell
Michael Giordano
Cheryl McKeever

Absent:

Mark Kruszczyński

Also present, Board Attorney, Brian Schwartz and Borough Engineer David Testa.

Dave Hollod, David Branan, Cheryl McKeever, Tom Fagan sworn in as members by Board Attorney Brian Schwartz.

Reorganization:

Michael Giordano nominated Tom Fagan for Chairman. Seconded by Aimee Corzo. All in favor. None opposed.

David Branan nominated Frank Kreder for Vice Chairman. Seconded by Michael Giordano. All in favor. None opposed.

Tom Fagan nominated Dawn Gaebel for Secretary. All in favor. None opposed.

Michael Giordano nominated Jen Bartholomew for Recording Secretary. Seconded by Aimee Corzo. All in favor. None opposed.

Tom Fagan nominated the firm Schwartz, Hanna, Olsen, & Taus for Board Attorney. Seconded by Frank Kreder. All in favor. None opposed.

Cynthia Dawkins inquired if there were open positions on the Planning Board. Chairman Fagan advised her to fill out a Talent Bank for openings on any committees. Mayor La Ronde advised Ms. Dawkins that all positions on the Planning Board are filled but there may be openings on EDC and a few others. Board of Adjustment is filled as well.

Approval of Minutes:

David Branan made a motion to approve September 22, 2021 minutes. Seconded by Michael Giordano.

All in favor.

None opposed.

Minutes approved.

Statement of compliance read by Chairman Tom Fagan.

Old Business:

Continuation of SPR-21-001 Luckie II, LLC – Asian Food Market – 1011-1019 Route 22 West

The last meeting regarding this application was September 22, 2021. The applicant was asked to revise their site plan and there were delays in getting the work done. The application is a site plan with several bulk variances, primarily relating to signage.

John Sullivan, attorney with the offices of Vastola and Sullivan represents the applicant, Luckie II, LLC, 1011-1019 Route 22 West. The current uses on the site are a laundromat and the Asian Food Market. The uses are not proposed to be changed. The focus of the application is on the Asian Food Market. The proposal is for site plan approval to construct a 400 square foot entry foyer to the market. It will be 2 stories in height with the foyer on the first floor and a mezzanine space above for an office and storage. Site improvements include adding canopies, a covered cart corral, upgrading ADA parking, lighting and landscaping. There are a few variances relating to the signs. They are proposing 2 signs instead of 1. The height of the logo exceeds the existing height. The signage is not going to be very much different from existing signage. They are changing Chinese characters to a logo. The Asian Food Market wording is the same. On August 25, 2021 they presented the bulk of their application. They came back on September 22, 2021 but did not proceed with evidence or testimony because the revised plans had not been submitted. Revised architectural and site plans have been submitted since then. The architectural plan contains all of the sign details, last revised February 8, 2022. The revised site plan is dated February 9, 2022.

Witness:

Chris Hao
NJ Registered Architect

He was previously sworn in and qualified at the August 25, 2021 meeting. Neither his license or qualifications have changed since August 25, 2021.

Mr. Hao submitted a revised architectural plan dated February 8, 2022. The revisions are to the sizes of the signs. The sign is 2'6" x 26' long and is 65 square feet. The circle logo with Chinese character is 20 square feet. The total square footage is 85 square feet. This is under the 150 square foot requirement. The height exceeds the requirement at 2'6". The requirement is 1 foot. Mr. Hao is considering the Chinese logo and the Asian Food Market letters as one sign. Mr. Sullivan stated at the last meeting that the Board considered them as 2 separate signs. One of the variances they applied for was 2 separate signs for the business. Mr. Testa interpreted it as 2 signs and both of the signs exceed the 2 foot requirement. There is a variance because they have 2 signs, there's a variance because each sign

exceeds 2 feet, and the Asian Food Market and logo sign exceed the allowable square footage. The allowable square footage per the ordinance is 58 square feet and the signs combined are 85 square feet. There are essentially 4 variances. Mr. Sullivan agreed if the 2 height variances are independent. Mr. Testa stated he had it on his report as 75 square feet but they are actually proposing 85 square feet. Mr. Schwartz stated only 1 wall sign shall be permitted to exceed 2 feet. Mr. Testa stated the sign is 26 feet in length but its 2'6" high and only permitted to be 2 feet high. The circular sign exceeds the 2 foot requirement because it's 5 feet in diameter.

Mr. Hao stated there is currently signage on the building. One of the signs says Asian Food Markets just like the new sign that is proposed. Mr. Hao stated the new sign is much smaller. The existing sign is 3 feet high and 96 or 97 feet long. It is about 300 square feet. The new sign reduces square footage in height and length. There is a second sign on the building with Chinese characters. They are proposing to replace that sign with the logo that is shown on the plans. The existing sign is bigger than the proposed sign.

Mr. Hao stated they added 7 wall packs along the front of the building to light the parking lot. There are also down spouts on either side of the foyer. There are no other revisions to the architectural plan.

Chairman Fagan asked what the meaning of the Chinese characters was. Mr. Hao stated the first character means beautiful and the second character means east. Beautiful East Market. In English it is Asian Food Market.

Witness:

Robert Kiser
Engineer

He was previously sworn in and qualified. Neither his license or qualifications have changed since he last testified. Mr. Kiser submitted a revised set of plans dated February 9, 2022.

Mr. Kiser stated according to Mr. Testa's report, he was looking for detectable warning surfaces to be installed and they have been. Mr. Kiser apologized that layer was shut off when the plans were printed but they will be shown. Elevations were provided regarding ADA ramps to ensure they comply with current requirements. Curbing along the front of the building was shown. Mr. Testa noted bollards were shown on the architectural plans but not on the engineering plans and they have been provided. There was a request that the roof liters shown on the architectural plans be conveyed to the storm sewer system and that piping is currently shown on the plan. Regarding landscaping and lighting, there were comments about the landscaping along Little Place being better maintained. The applicant will comply. There was debris in that area that will be cleaned up as well. As requested, they are providing 7 Japanese maple trees in the larger island areas of the parking lot. The smaller areas in the parking lot are landscaped with river stone. Mr. Testa requested that a lighting study be completed and that has been done. As a result, new lighting fixtures will be installed on existing light poles and new wall mount units will be installed on the building. The lighting will be LED energy efficient lighting that will meet the Borough lighting requirements.

Chairman Fagan asked Mr. Kiser to speak about the photometric lighting analysis. Mr. Kiser said it is included in the plan set and it was prepared by their lighting consultant. It shows the foot candles in a grid form throughout the parking lot area and shows that they will meet the average foot candle

requirements for the parking lot and also that they don't have light directed off the property that might be a problem for neighbors. He believes Mr. Testa has reviewed that plan. Chairman Fagan asked if the lights will be operating after the market closes in the evening. Mr. Kiser stated some of the lights would need to be on for security purposes but others may shut off. The lights provide additional illumination needed and meet the Borough requirements. The gooseneck lights that previously illuminated the sign were taken off the building and the signs will be internally illuminated. Mr. Testa is satisfied that the levels meet with the Borough standards. He asked Mr. Kiser if the southwest side of the building will have 4 wall lights added where there is currently no lighting. Mr. Kiser confirmed that. Mr. Testa asked if all other existing lights on the buildings and on the poles in the parking lot are being replaced. Mr. Kiser stated yes, they will be replaced with LED lights and there might be slight shifting of the locations of the lights on the building but the light fixtures themselves are being replaced on the existing poles. The new fixtures were based upon the lighting analysis.

Regarding traffic, parking, and circulation, the signage has been shown regarding laundromat only parking as requested by Mr. Testa. With regard to ADA spaces, there was an additional ADA added, going from 5 spaces to 6 spaces to meet current code requirements. In addition, provisions were made to provide access into the new entrance for wheelchairs and shopping carts. There was a comment regarding the Do Not Enter sign at the entrance. The applicant discovered that there was a sign that appeared missing and it was knocked down by a snow plow. That has already been reinstalled.

Regarding stormwater, there was a request for the stormwater system to be cleaned and televised and there were challenges with that. The first contractor did not have proper equipment. Then work couldn't be done due to the hurricane. The contractor that is currently working on it had equipment break down but all of the inlets have been cleaned out and the system is functioning. Additional work has to be done and a video will be provided for Mr. Testa to review. One of the comments was that pipe sizes weren't shown on the plan and inverts were not shown in inlets but it's all now provided due to the cleaning done to date.

Mr. Sullivan stated there are remaining comments in Mr. Testa's report that was revised February 15, 2022. Mr. Sullivan asked Mr. Kiser if there was anything that could not be complied with under general subsection B, items 1-7. Mr. Kiser stated they will comply with all of those requirements.

Mr. Sullivan asked Mr. Kiser to address the site plan, subsection C, item 1, talking about detectable warning surface. Mr. Kiser stated that layer was shut off their plan and those detectable warning surfaces will be provided on a revised plan.

Regarding item E under site grading, item 1, providing an internal video inspection of the pipe, Mr. Kiser stated this will be provided.

Mr. Sullivan asked Mr. Kiser if he had any comments regarding proposed signage. Mr. Kiser stated overall the square footage of the signage decreases. He believes the proposed signage looks very nice. The size of the letters are smaller and he believes people viewing the sign won't see much of a change other than it's somewhat smaller than what the current sign is.

Mr. Testa stated they have satisfied all of the requirements and the video of the storm sewer will be provided. The video is the only thing he is missing.

Mr. Schwartz asked what the current hours of operation of the Asian Market were and if they were going to change. Mr. Chan stated the regular hours were 9am-8pm. On the weekend the hours are 9am-8:30pm. The hours are not going to change.

Mr. Schwartz stated with regard to lighting, they always have a condition that states all lighting will be off other than security lighting from 1 hour after the store closes to 1 hour before it opens.

Mr. Schwartz stating the only other issue is relating to the trash. The dumpster will be put in an enclosure but the applicant didn't want to enclose the compactor unit. Mr. Schwartz made a note about it and didn't know how the Board felt about it. He asked Mr. Testa's opinion about it. Mr. Testa stated there is a dumpster enclosure that is currently not being utilized. The dumpsters are sitting on concrete pads and not in the enclosure. He believes the dumpsters are being used by the laundromat. The compactor is being used by the Asian Market. Mr. Testa is not sure how they would enclose that compactor. Mr. Schwartz asked if Mr. Testa has seen a problem with the dumpster or compactor here. Mr. Testa said not with the compactor but in the past there has been a lot of debris in the back area of the building. He doesn't know if they have been given a violation for it but he has seen various things either on the ground or on pallets in the back. He doesn't know if the compactor was causing any part of it. The compactor is tall and he doesn't know if a wall could be put up to screen it. Mr. Schwartz is going to suggest a condition to the Board that any debris, pallets, trash, or anything else outside the dumpster enclosure be removed and no trash or debris be kept outside the dumpster enclosure. Mr. Testa stated the dumpster enclosure or the compactor. Mr. Schwartz stated the compactor can be left as is as it would be difficult to enclose. Chairman Fagan asked how often the dumpsters and compactor are emptied. Mr. Sullivan believed Mr. Kiser testified to certain aspects of that at the last meeting. Mr. Kiser stated the 2 dumpsters would be relocated to the enclosure. The compactor is close to the building and would be difficult to enclose. Mr. Chan stated the compactor is picked up once per week. They do not experience problems with overflow. Mr. Giordano asked how often the dumpsters were picked up. Mr. Chan did not know because the dumpsters belong to the laundromat.

Mr. Testa asked if Mr. Chan owns the building. Mr. Testa wanted to ensure that the conditions put on the dumpsters belonging to the laundromat were conveyed to the laundromat that the dumpsters need to go in the enclosure and stay in the enclosure. Mr. Sullivan stated the applicant, Luckie II, LLC is the owner of the building. They can impose conditions as management of the building.

Public Comments:

Cynthia Dawkins asked about open positions again. She was not speaking about the application before the Board.

Discussion:

Liz Appezato asked when they think the video will be completed. Mr. Kiser stated the contractor anticipated having the video done within the next 30 days.

Aimee Corzo asked if there was a practical or pressing reason not to comply with the square footage allowed and the number of signs allowed. Mr. Sullivan stated the signage proposed is somewhat smaller than what's already there. In highway signage ordinances, a lot of them contemplate a pole sign that's closer to the street. In this case, they are talking about building mounted signage, which is a bit of a distance from the street. They want that to be big enough so the traveling public can see and clearly

identify the business. They thing they do that with the signs being proposed. In terms of supermarkets, their signage is in keeping with the modern trend of that. Part of the application was to create a foyer and make the building a little more modern like you expect with other supermarkets. They believe the signage fits in with that and is in keeping with what you would generally see at a supermarket.

Aimee Corzo asked if the signage has to go through the Architectural Review Board as well. Dave Hollod does not believe this would have to go before the Architectural Review Board.

Chairman Fagan wanted to propose a condition regarding the video that will be provided to Mr. Testa within 30 days. Mr. Schwartz asked Mr. Testa what is likely to be shown in the video and if there is a problem, what is going to be required of the applicant. Mr. Testa stated they would look at it to make sure there are no broken pipes. Chairman Fagan asked Mr. Testa if it would be more of a collapse than a blockage. Mr. Testa stated potentially. He is assuming they are concrete pipes but he is not sure. Chairman asked the age of the building. Mr. Kiser did not know the age of the building but he stated most of the piping is reinforced concrete piping. Mr. Testa stated there is most likely no issue but every property owner is supposed to be inspecting their facilities quarterly and providing documentation to the Borough under their DEP permit, stormwater permit. Mr. Schwartz asked if there is a problem if there is a burden imposed on the applicant to do something about it. Mr. Testa stated yes, absolutely, they would have to repair it.

Mike Giordano asked if that was where they had problems with the sewer a while back. Mr. Testa stated he believes there has been problems with the sanitary sewer running under Route 22. Whether or not it's related to the laundromat or grease in general, he's not certain. He believes Mott, McDonald reviewed this application and didn't raise any flags.

Mr. Sullivan stated the application is straight forward. The impetus is to upgrade the site. They are creating a foyer. Some additional benefits are the cart corral. They are upgrading signage, lighting and landscaping. The ADA parking is being upgraded and more sufficient. Another benefit is cleaning the storm sewer. They are not changing uses. They feel the site is an upgraded and will be more modern. It will be a benefit to the community, the public, and the applicant. With regard to the sign variances, they are bigger than what the ordinance requires but they are building mounted façade signs, not pole signs. They think the size is adequate for the traveling public to see them, identify the site, and know where they are going. They would ask the Board to consider granting the application, both the site plan aspect as well as the sign variance aspect.

Mr. Schwartz stated they basically have the same signage parameters along Route 22 than they have in other areas and it's always been an issue because the setbacks are greater and the scale and mass of buildings are greater on Route 22. It's more often the case that applicants are asking for sign variances along Route 22 than not because of the need of signage to be seen from the road where cars are going by quickly. It is not unusual that a sign variance is being requested. It's up to the Board to determine if they feel the extent of the variance is appropriate.

Mr. Schwartz went through conditions for the application. The storm sewer video will be performed within 30 days and any repairs necessary as a result of the video will be performed by the applicant. The applicant shall monitor the rear area for pallets, trash, and debris and will remove all debris outside of the dumpster enclosures or the compactor. The lighting will be turned off from 1 hour after the store closes to 1 hour before it opens except for security lighting. The use of the property will not change.

The applicant shall comply with the recommendations of the fire officials, all of the recommendations in Mr. Testa's report dated February 15, 2022 and any other agencies of the Borough. The applicant shall obtain all other necessary governmental approvals, municipal, county, regional, state, and if necessary federal agencies. Construction shall comply with the site plan dated February 9, 2022 except as amended by these conditions. The applicant shall pay all fees required by the Borough's non-residential developer fee ordinance. The applicant shall provide and maintain performance and maintenance bonds or guarantees required by section 22-67 of the Borough's Land Development Ordinance as determined by the Borough Engineer. All construction and improvements shall comply with all applicable Borough building ordinances and codes and RSIS standards. The applicant shall pay all outstanding charges to its escrow account prior to the final site plans being signed by Borough officials. Revised site plan drawings in electronic, digital, pdf, and paper form shall be submitted to the satisfaction of the Borough Engineer. Satisfaction of all conditions shall be subject to approval of the Borough Engineer. No certificate of occupancy shall be issued until all conditions have been satisfied.

David Branan made a motion for preliminary and final site plan approval and approval of the sign variances as stated in Mr. Testa's February 15, 2022 report on pages 4 and 5 as well as conditions. Seconded by Dave Hollod.

Roll Call Vote:

Mayor Lawrence La Ronde – yes

Dave Hollod- yes

Aimee Corzo – yes

Chairman Tom Fagan – yes

Liz Appezzato – yes

David Branan – yes

Frank Kreder – yes

Andre Mitchell – yes

Mike Giordano – yes

Cheryl McKeever – yes

The application is approved.

There are no new applications pending as of now.

Motion to adjourn the meeting by Frank Kreder.

Meeting adjourned at 8:20pm.

