

**MINUTES**

**July 16, 2014**

**Meeting of the Wood-Ridge Planning Board**

**The meeting was called to order at 7:06 p.m. with the Pledge of Allegiance led Chairman Finke.**

SUNSHINE NOTICE:

Chairman Finke read:

"This meeting is being held in accordance with Public Meeting Law 1975 Chapter 231 and the requirements of the law met by publishing in The Record, and The Herald News and posted on the bulletin board in the Municipal Building and filed with the Borough Clerk."

ROLL CALL: Attendance

**Present:** Kevin Trotter, Renata Helstoski, Jonathan Braid, Jeffrey Magnusson, Dominick J. Azzolini, Frank Finke, Paul Clemente (arrived later).

**Absent:** Edward Marino, Debra Gentile, Mark Stellato, Robert Ruhle, Chris Eilert.

Chairman announced that Application 2014-9 Fleet & 2014-10 WR Development is going to be carried to a Special Meeting scheduled for July 30, 2014 at 7:00 pm. No further notice is necessary.

CARRIED FROM THE JUNE 18, 2014 MEETING

**Application 2014-8 Conforti 292/14**

**Variance Application so as to permit the expansion of the rear of the building structure to meet and incorporate the free-standing walk-in freezer box into the existing structure.**

**191-193 Valley Blvd.**

George Lordi Esq. represents the applicants Irma & Nicholas Conforti (dba Angeloni's Restaurant). They are seeking site plan approval and a use variance for the expansion of the rear of the existing building.

He stated that all the testimonies were completed at the June meeting except the objectors and they will be heard this evening.

Mr. Cozzarelli Esq., appearing on behalf of

**Carried from May 21, 2014 Meeting.**

**Application 2014-7 Kasanova 280/4 Change in Tenancy/175 Rt. 17S**

Hector Munoz-Baras, who is a licensed architect, testified on behalf of the applicant. He was sworn in. Additional exhibits were marked in evidence.

A revised application was submitted to reflect the request for minor site plan approval. The applicant is proposing to change the façade of the existing building and repave the existing parking lot. They would be removing the steel platform, adding an entry canopy, modifying the roof line, adding a retention tank for the water overflow from the roof. The signage proposed is 84.5 sq feet, with a back light. The applicant will submit additional plans if a retaining wall will be constructed. The site plan was reviewed in detail.

Brian Intindola was sworn in. He met with the applicant to review the proposed site plan. Brian discussed the roof leakage drain into a seepage pit, the retaining wall will need support, parking spaces, the Boroughs Ordinance requires 17 spaces the applicant is providing 7, which would create a parking variance for 10 spaces. The catch basins were discussed. There are 2 variances required for parking and signage.

Ken Nelson reviewed and discussed the landscape plan. The applicant will submit a revised a landscape plan to be reviewed and approved by the Borough Engineer. The grade was discussed, the platform will be removed.

Further discussion regarding the catch basin and landscape plan.

Chairman Finke opened the floor to any citizens wishing to be heard.

NONE

Chairman Finke declared the Hearing of Citizens closed.

Applicant is requesting a change of tenancy with site plan approval and variances for certain non-conforming conditions

that were outlined in the engineers report, in addition to the parking and signage.

**Motion:** Member Gentile seconded by Member Magnusson moved to approve application 2014-7 site plan with variances.

Discussion: NONE

**Rollcall:** Trotter yes, Marino absent, Helstoski abstained, Gentile yes, Braid abstained, Stellato absent, Magnusson yes, Ruhle yes, Azzolini absent, Eilert absent, Clemente yes, Finke yes.

**CARRIED FROM MAY 21, 2014 MEETING  
ZONING APPLICATION-PAUL CLEMENTE RECUSED HIMSELF AS HE IS NOT  
ELIGIBLE TO PARTICIPATE**

George Lordi Esq. represents the applicants Irma & Nicholas Conforti (dba Angeloni's Restaurant). They are seeking site plan approval and a use variance for the expansion of the rear of the existing building.

Change in Tenancy was approved last month; the applicant is before the board for a D variance application, since they are proposing to expand a non-conforming use. A new affidavit of publication and affidavit of mailing with property owner list was submitted to the secretary. The applicant is proceeding with the pending variance application. Publication exhibits were marked in.

the arguments of res judicata would carry forward into this meeting. The application of res judicata was denied by the board last month.

Tom Mesuk was sworn in, he is testifying as an architect for the applicant. They are seeking to put an addition to the back of the building which is 9'8 off the back of the building by 27x11.5 expanding the kitchen in the rear across the width. They are proposing to bring that 10x10' freezer box into the building. The seating would be reduced to 130. Renovate the bathrooms. No renovations to the basement. The plans are unable to be offered as evidence; they were not submitted 10 days

prior. The addition is mainly for the kitchen area. A discussion ensued regarding the plans. The grease trap would be upgraded, no roof penetration in the new area.

Cozzarelli - discussed the reduction of seats by 20 and relocating the refrigerator box inside the existing building. There are no pizza ovens currently in the building. This would be the expansion of a non-conforming use.

Anthony Marucci is a licensed Planner and Engineer from Whippany. He was sworn in. He is testifying for the applicant.

The deliberation continued among the parties and a lengthy discussion ensued regarding noise levels, zoning ordinance, the expansion of the non-conforming use, exterior appearance, parking, Master Plan, landscaping and the violations from 20 years ago.

5 minutes recess at 9:05 pm.

Paul Bauman was sworn in as licensed Planner from North Caldwell. He is testifying for the objector. His client is Margaret Zampardi. He has reviewed all the documents pertaining to this application, such as: zoning ordinance, 1997 & 2006 master plan re-examination reports, application, OPRA request documents and other history documents. He testified that the board should examine the negative criteria. He does not believe that all aspects of the public good have been examined thoroughly, in particular, the noise of the air conditioning unit and the patron traffic, garbage odors and garbage pickup, pick-up and delivery of pizza orders. He also stated that the application cannot be granted without impairment of the zoning ordinance. Exhibit O-4 was reviewed and determined that it does indicate there was a violation in 1994, he does not see that the violation was cured. This is an illegal non-conforming use.

The discussion continued.

Bauman requests to the board to put some protections to the surrounding residents if granting this application.

The board does not hear witnesses after 10:00 pm.

The application was carried to the July 16<sup>th</sup> meeting.

**Reading of Resolutions:**

**Application 2014-6 A. Guerriero 248/10 Subdivision/124 Jefferson St.**

**Motion:** Member Magnusson seconded by Member Gentile moved to approve the above resolution for application 2014-6.

**Discussion:** NONE

**Rollcall:** Trotter yes, Marino absent, Helstoski yes, Gentile yes, Braid yes, Stellato absent, Magnusson yes, Azzolini absent, Ruhle yes, Eilert absent, Clemente yes, Finke yes.

**Application 2014-8 Conforti 292/14**

**Change in Tenancy**

**The applicant requested that the Board bifurcate the application, the board considered the application to permit a change in tenancy only.**

**Motion:** Member Braid seconded by Member Gentile moved to approve the above resolution for application 2014-8.

**Discussion:** NONE

**Rollcall:** Trotter yes, Marino absent, Helstoski yes, Gentile yes, Braid yes, Stellato absent, Magnusson yes, Azzolini absent, Ruhle yes, Eilert absent, Clemente yes, Finke yes.

Minutes for May 21, 2014 would be carried to July's meeting.

The meeting was adjourned at 10:35 pm.

Respectfully submitted,

Cathleen Calabro