



**PLANNING BOARD
REGULAR MEETING MINUTES
APRIL 12, 2023 - 7:30 P.M.**

- 1. CALL MEETING TO ORDER/SUNSHINE STATEMENT** – Planning Board Chair called the meeting to order at 7:30 pm and read the Sunshine Statement:

“This meeting is being held in accordance with the Open Public Meetings Act, also known as the Sunshine Law, N.J.S.A. 10:4-6. Notice of the meeting was sent to the Daily Record and the Citizen on January 20, 2023 and published on January 25, 2023. Notice was also posted on the Bulletin Board of the Municipal Building and on the Town of Boonton website.”

- 2. PLEDGE OF ALLEGIANCE** – Planning Board Chair led those in attendance in the Pledge of Allegiance to the Flag.
- 3. ROLL CALL** – Planning Board Clerk conducted Roll Call:

NAME	PRESENT	ABSENT	EXCUSED
Mr. Weisman	X		
Ms. DeVenezia	X		
Mr. Brewer	X		
Mr. Khokhar	X		
Mr. Orlusky	X		
Mr. Vasa	X		
Mr. Venturini	X		
Mr. Wrobel	X		
Mr. Schnitzler			X
Mr. Phelps	X		

- 4. PAYMENT OF THE BILLS**
 - The Planning Board Clerk announced that the bills are in order to be paid. A motion was made by Mr. Brewer, and seconded by Ms. DeVenezia, to pay the bills as submitted. All were in favor, and the motion carried.
- 5. APPROVAL OF MINUTES**
 - Minutes of the regular Planning Board meeting of January 11, 2023 were accepted as presented.
- 6. CORRESPONDENCE**
 - No correspondence was received.

7. RESOLUTIONS

a. RESOLUTION OF APPROVAL

APPROVAL OF EXPEDITED WAIVER OF SITE PLAN

IN THE MATTER OF ANTHONY AND SONS BAKERY

: PLANNING BOARD OF THE
: TOWN OF BOONTON
: BLOCK 69; LOT 73.02
: 85 FULTON STREET

WHEREAS, Anthony and Sons Bakery (“Applicant”) requested approval of expedited waiver of site plan for the property located at Block 69, Lot 73.02 on the tax map of the Town of Boonton, being commonly known as 85 Fulton Street, Boonton, New Jersey (the “Premises”), located in the I-1 Zone District; and

WHEREAS, by Ordinance adopted by the Mayor and Board of Aldermen of the Town of Boonton under statutory authority, an expedited waiver of site plan committee was established for the purpose of providing a waiver of site plan when it deems fit because the relief requested is deminimis and to require a full planning board application would be unduly costly and burdensome to the applicant; and

WHEREAS, Applicant met with the Expedited Waiver of Site Plan Committee and explained that he seeks to use an existing commercial unit located on the Premises for the storage and manufacture of baked goods and related products, as well a related activities. The use is a permitted use in the I-1 zone district and no improvements are proposed that would warrant a complete site plan review by the Planning Board.

NOW, BE IT RESOLVED, that the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 12th day of April, 2023, concluded that this request for expedited waiver of site plan can be granted because the property is suitable for the proposed use, the proposal is deminimis, and it would be unduly burdensome and costly to Applicant to submit a complete application to the Planning Board.

NOW, BE IT FURTHER RESOLVED, by the Planning Board of the Town of Boonton, County of Morris and State of New Jersey, on the 12th day of April, 2023, the application of Anthony and Sons is hereby **APPROVED**, subject to the following terms and conditions:

1. Applicant shall be bound by all representations made in its Expedited Waiver of Site Plan Application.
2. Applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, and Applicant shall comply with any requirements or conditions of such approvals or permits.
3. The within approval is conditioned upon Applicant making payment in full of all sums due or to grow due on account of review and processing fees within twenty (20) days of the date of being billed for same by the administrative officer. No Certificate of Occupancy shall be issued until such fees have been paid in full. In the event that Applicant fails or refuses to pay such fees, the Planning Board reserves the right to declare the within Resolution and any relief granted pursuant hereto to be null, void, and of no further effect.
4. The current occupant of the area marked “Office” on the attached diagram may continue to be used and occupied by that current tenant. If the current tenant abandons or vacates that portion of the Premises, said area shall be used only by Applicant and shall not be leased or otherwise made available for use by any person or entity other than Applicant.

5. Trash shall be maintained in containers currently existing on the Premises. In the event that trash shall become unsightly or otherwise become a nuisance in the sole discretion of the appropriate official(s) of the Town of Boonton, Applicant shall be responsible for addressing same, to the satisfaction of the Town of Boonton and its officials.

VOTE OF ROLL CALL FOR APPROVAL OF RESOLUTION:

IN FAVOR: Messrs. Weisman, Brewer, Khokhar, Orlusky, vasa, Venturini, Wrobel, Phelps, and Ms. DeVenezia

AGAINST: None

8. PUBLIC HEARINGS

a. APPLICATION 2023-01 EKM Properties, Inc.

289 Myrtle Ave. Block 71.12, Lot 23

Final Site Plan w/ Variances

Mr. Bacchetta introduced himself as the attorney representing the applicant, he introduced the applicant, and he briefly discussed the application. Mr. Bacchetta discussed the variances and waivers requested in association with the proposed development. Mr. Bacchetta introduced Mr. Marc Walker, the engineer for the applicant.

Mr. Walker was sworn in at this time and accepted by the Board as a professional civil engineer. Mr. Walker made the following comments:

- Handed out Exhibit A-1, Overall Layout Exhibit dated 4/12/23.
- Discussed the development which is located in the C-2 Zone in-between Myrtle Ave and Rt. 287.
- Stated that the site is developed and has been operating under the same ownership for approximately 32 years. The existing conditions are mostly warehouse and storage in the building.
- Noted that there are 39 current parking spaces, where 69 spaces are required.
- Commented that the hours of operation will not be modified, and will remain as is.
- Discussed that the application which proposes a 1 story addition on the back of the building, approximately 78' x 16'. Also, the application is proposing to re-stripe the entire parking lot, and altering the parallel parking stalls to become slightly angled parking stalls in order to add 10 parking spaces and 1 EV parking space for a total of 50 on-site parking spaces. The application proposes to modify the ends of the islands in the parking area to add vehicular circulation signage.
- Stated that there is a common easement access between the subject property and the adjacent lot to the North.
- Noted that the application does not propose any modifications to the Myrtle Ave. entrance or signage.
- Remarked that the application will remove 3 existing trees and install 3 columnar trees in the same location, because the applicant proposes to add a sidewalk along Myrtle Ave. to be clear of trees or vegetation.
- Commented that the existing shoebox fixtures and light poles will be upgraded with LED lights or similar fixtures.
- Stated that toward the rear of building the existing parking spaces and dumpster are over property line, which are proposed to be relocated on to the subject property.
- Discussed that the only physical changes in the parking lot will be the islands, trees, sidewalks, and re-stripping. The vehicular access aisles are 22 feet in width, but the applicant is requesting variances for parking space size, and for the total amount of parking spaces.

The Board Chair opened the hearing at this time for Board comment.

Mr. Weisman thanked Mr. Walker for his testimony, and asked if the parking stalls in middle area will be striped. Mr. Walker responded yes. Mr. Weisman asked if hair pin striping was a good practice, and Mr. Walker

replied that hairpin striping, or the use of two lines, will offer more room to open vehicle doors. He continued by stating that the applicant could add hairpin striping at end of parking spaces. Mr. Weisman inquired if there would be sufficient spacing for emergency vehicle access. Mr. Walker stated yes, and a 24 foot box truck can navigate through the site.

Mr. Carlson asked what hairpin striping is. Mr. Walker replied that hairpin striping is using two lines instead of one line to delineate the parking stalls.

Mr. Brewer inquired about the adjacent parking lot ownership. Mr. Walker said it was the same owner.

Mr. Wrobel asked if the applicant notified the state about the addition. Mr. Bacchetta stated that the county received two sets of plans, and there was no requirement to send plans to the state. Furthermore, the applicant did notice the state since they were on the 200 foot list.

Hearing no further comments or questions from the Board, the Board Chair opened the hearing at this time for the Board's professionals comment.

Ms. Handel asked if the proposed new dumpster location would interfere with the turning radius of delivery vehicles. Mr. Walker replied no it will not affect delivery, and the rear portion of site is for authorized vehicles only. Ms. Handel asked if it was the applicant's intent to grind off the existing parking stalls, and Mr. Walker, responded yes. Ms. Handel asked if all existing signage was going to stay in the same size and location. Mr. Walker stated that was correct, and the applicant will submit revised plans to address signage comments, if needed. Ms. Handel asked what about the 'empties lockup'. Mr. Walker said that it is not used today but was used in past for a recycling program.

Mr. Edward Malavarca, the applicant and subject property owner, was sworn in at this time, and he spoke briefly about the empties lockup.

Ms. Handel asked Mr. Walker if there was any stormwater management on the site, and Mr. Walker stated that the proposed addition could create less than 50 square feet of increase of impervious coverage and that stormwater management was not necessary. Further he stated that Morris County gave permission to maintain the existing curb at 8.1 feet from the property line, and that would result in no real increase in impervious coverage and drainage for the parking area as well. Ms. Handel asked if roof leaders would tie into the stormwater system, and Mr. Walker replied that he will modify the plan to show that. Ms. Handel asked if the addition increase traffic to county road, and Mr. Walker said it was not expected, and that the addition is intended to help vehicular circulation and site navigation for patrons.

Mr. Petto thanked Mr. Walker for his testimony, and appreciated the removal of the encroachment onto DOT property. Mr. Petto asked if the two light poles will be converted to LED fixtures, and Mr. Walker stated that they will be and they will conform compliance to shielding requirements. Mr. Petto referred to the Town ordinance section 300-4 and he read the definition of "front yard", and confirmed that no variance would be required because the property has two front yards.

Having no further questions, the Board Chair opened the hearing at this time for public questioning of this witness based on his testimony this evening. Hearing no questions from the public, the Board Chair asked Mr. Bacchetta for the next witness.

Mr. Bacchetta introduced Paul Tiajolloff as the architect for the applicant, and Mr. Tiajolloff was sworn in at this time. Mr. Tiajolloff stated his education and credentials, and he was accepted by the Board as a professional Architect.

Mr. Tiajolloff made the following comments:

- Stated that the proposed addition is 16' x 78', which comes to exactly 1,200 square feet, and the addition will improve the exiting building, and will be built on the eastern end of the property.
- Commented on the submitted plan V-2, and V-1 about the elevations and structure.
- Remarked that the applicant has obligations to relocate gas meters off of the eastern front of the building.
- Noted that three (3) lights will be added along the Myrtle Ave. frontage along with a bumper guard.

The Board Chair opened the hearing at this time for Board comment.

Mr. Weisman asked if there will be an additional entrance or exit to the building, and Mr. Tiajolloff stated that the exit door will be relocated and the entrance will remain the same. Mr. Weisman asked if there will be a handicap accessible entrance and exit, and Mr. Tiajolloff replied that both the entrance and exit will be accessible.

Hearing no further comments or questions from the Board, the Board Chair opened the hearing at this time for the Board's professionals comment. Hearing no questions, the Board Chair opened the hearing at this time for public questioning of this witness based on his testimony this evening. Hearing no questions from the public, the Board Chair asked Mr. Bacchetta for the next witness.

Mr. Bacchetta re-introduced Mr. Malavarca, who spoke briefly about the project. Mr. Malavarca made the following comments:

- Stated that he opened the liquor outlet in 1991, and that this addition is to streamline the checkout process.
- Commented that there are currently 4 checkout registers, and the addition will propose a total of 5 checkout registers. 2 of the current registers are not located efficiently, but the addition will allow all 5 registers to be utilized efficiently.
- Noted that the development is not expected or intended to increase the amount of customers, cars in the parking lot, or garbage produced.
- Remarked that a tractor trailer delivery occurs once a week, before the liquor store opens, and that there has never been trouble with tractor trailer deliveries with regard to vehicular parking or traffic. Furthermore the addition will not increase or create any additional noise on-site.
- Stated that the LED fixtures will be maintained in the existing shoebox design and will not affect any residences.
- Noted that there will be no need for increased services of water, electric, or sewer.

The Board Chair opened the hearing at this time for Board comment.

Mr. Brewer asked for clarification that there will be a reconfiguration of the checkout area, and Mr. Malavarca said yes, that was the main reason for the addition.

Hearing no further comments or questions from the Board, the Board Chair opened the hearing at this time for the Board's professionals comment.

Ms. Handel asked Mr. Malavarca to describe the "empties lockup", and Mr. Malavarca stated that is the location where they stored empty/returned quarter-barrels of beer until the delivery trucks came to remove them. Further he stated that with the new addition the cylinders will be stored indoors.

Mr. Bacchetta gave a closing statement that the testimonies given were clear, and requested that the Board look favorably upon the application.

Having no further questions, the Board Chair opened the hearing at this time for public questioning of this witness based on his testimony this evening. Hearing no questions from the public, the Board Chair opened the hearing at this time for Board comment.

Mr. Carlson stated the following conditions of approval be that hairpin striping be added to the parking stalls and that all comments found in the reports of the planner and engineers be complied with.

Mr. Venturini made a motion to approve application 2023-01 subject to the conditions as set forth by Mr. Carlson, which was seconded by Ms. DeVenezia.

NAME	YES	NO	ABSTAIN
Mr. Weisman	X		
Ms. DeVenezia	X		
Mr. Brewer	X		
Mr. Khokhar	X		
Mr. Orlusky	X		
Mr. Vasa	X		
Mr. Wrobel	X		
Mr. Venturini	X		
Mr. Phelps	X		

The motion carried on a vote, 9 YES, 0 NO.

9. INVITATION FOR PUBLIC COMMENT OF NON-AGENDA MATTERS

- a. No comment was made.

10. BOARD DISCUSSION ITEMS

- a. Mr. Orlusky asked what recourse there was for when vegetation died years after the development of property had been completed. Mr. Carlson explained that the town has a maintenance ordinance and any items like such should be directed to the town's zoning officer to investigate and enforce with a notice of violation.
- b. Mr. Venturini inquired about the current status of the development at 128 Monroe St. Board Clerk Mr. Willenborg informed the Board that the developer had applied for the TWA after the development was mostly done, the DEP has not yet approved the TWA due to questions and concerns about the site, and the developer has yet to submit as-built plans needed for the Construction Department to perform proper inspections.

11. NEW BUSINESS

- a. No new business was discussed.

12. ADJOURNMENT

- a. There being no further business to come before the Board, a motion was made by Mr. Brewer, and seconded by Ms. DeVenezia, to adjourn. All were in favor on a voice vote. The motion carried, and the meeting was adjourned at 8:23 PM.

Respectfully submitted,

Steven Willenborg

Steven Willenborg
 Planning Board Clerk