

PLANNING BOARD MINUTES
SPECIAL MEETING
November 30, 2023

The special meeting of the Planning Board was called to order by Chairman Mr. David Manders at 6:00 PM in the Second Floor Council Chambers of City Hall. Present were:

Michael Pantalone
Sandy Velez
Thomas Tobolski
Nilsa Rosario
Robert Odorizzi
David Acosta
David Manders

Also present were:

Nathan Van Embden, Planning Board Solicitor
Yasmin Perez, Planning Board Secretary
Kathleen Hicks, Supervising Planner
Ryan Headley, Board Planner/Engineer

FLAG SALUTE

Public notice pursuant to the Open Public Meetings Act was given on December 10, 2022 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, City Clerk, and the Board members.

PUBLIC HEARING

GMR Freezer and Cold Storage– located on the northerly side of Oak Road between Mill Road and Orchard Road, Block 1501, Lot 60, Tax Map Sheet #15, Project No. PBA-23-00051. Preliminary /final major site plan approval to construct a 147,909 square foot cold storage building with associated site improvements.

The applicant was represented by Robert Casella, Esq. The applicant seeks to develop almost the entire lot for a freezer and cold storage facility. There are several waivers and bulk variances being sought by the applicant.

Planning Report, item 5b, variance for side yard setback, easterly (31.08 feet provided vs. 35 feet required). Item 5c, variance for lot frontage, industrial use (150 feet provided vs. 250 feet required). These variances are for the service areas. Item 7a, stormwater management basin fence height (0 feet provided vs. 6 feet required). Although the basins are not individually fenced, an 8' high chain link fence is provided around the entire site. 7b, waiver for stormwater management basin side setback, basin E (13± feet provided vs. 35 feet required). 7c, waiver for stormwater management basin side setback, basin F (13± feet provided vs. 35 feet required). 7d, waiver for stormwater management basin side setback, basin H (10± feet provided vs. 35 feet required). The applicant is requesting waivers from screening, shade trees and landscaping standards. Item 8a, waiver for parking space width (9 feet provided vs. 9½ feet required). Item 8b, waiver for parking space depth (18 feet provided vs. 19 feet required). Item 8c, parking space row length without a tree island break (27 space row provided vs. 12 space row maximum permitted). Item 8d, fencing and screening around the perimeter of the proposed stormwater management basins. There is fencing around the entire perimeter. The applicant is requesting a waiver from parking and access standards. Item 9b, moderate truck pavement, stone access drive surrounding the building (2" FABC, over 6" Gravel or D.G.A). The applicant is proposing a stone access drive for the use of a golf cart. This waiver was approved for a previous project. It is a light use and it will not affect the drainage.

Item 12, applicant has not provided a Forest Retention & Replacement Plan that lists the trees being removed as part of the proposed project. Additionally, the Applicant has previously removed a large portion of the trees on the property after receiving approval to do so from the Cumberland-Salem Soil Conservation District. The Applicant proposed to remove approximately 100% of the forested acreage. The ordinance requires mitigation for developments that result in the removal of more than 65% of the forested acreage in the I-B Zone. Therefore, the Applicant would be required to provide replacement trees or compensation based as determined appropriate by the Board. Replacement requirements in the ordinance vary by the size of the tree being removed. Smaller trees have to be replaced at a rate that is a percentage of the amount of trees. Larger trees (greater than 16") being removed are required to be replaced at a rate that is a multiple of the amount of trees. By ordinance the applicant may request or be required to "contribute an amount equal to twice the current value of each unplanted tree to a fund established by the City for environmental programs such as tree planting, tree maintenance, tree preservation, park development or landscaping or other comparable projects as recommended by the Environmental Commission. The applicant may apply this option to up to 50% of the required number of replacement trees. The applicant is proposing ass plantings on the east and south sides of the property to create an adequate buffer. They are proposing a combination of trees and evergreens. They can address any questions regarding placement with a drawing.

Item 16a, waiver from perfected plan details, drawn to standard engineering scale, not less than 1"=50' and not more than 1"=10'. Sheet size shall be 24"x36" or 11"x17". In the event that the overall site does not fit onto a standard sheet size, an additional site plan sheet shall be provided which shows the entire site development at a reasonable standard scale.

The applicant has reviewed the Environmental Commission report regarding the trees. The applicant believes they can still make the best use of the property and implement trees where they can by buffering the property or place trees back into non impervious spaces.

The applicant will comply with all the comments in the Engineering Report.

Stephen Nardelli, Professional Engineer, testified on behalf of the applicant. The site plan shows evergreen plantings along the rear of the residential properties and the side where the driveway comes off of Oak Road. The grading plan shows an additional area behind the residences for additional tree plantings. They can also provide additional plantings around the basins. The property to the east is a wooded forested area. The houses will have fencing and a double row of evergreens trees. They could also add more vegetation.

Mr. Headley suggested adding taller trees to give the houses less of a view during a sparse winter.

The applicant agreed to plant the extra trees and vegetation.

Eric Alicea, member of the public. He owns the property directly behind it. He is concerned about public safety and high traffic. There are a lot of accidents. There is a school nearby and a lot of children. He also drives trucks and knows about the noise and damage to the road that trucks cause. They are dealing with a hardship. It is also an eye sore, and this will change their quality of life.

Donald Buckingham, member of public, owner of the corner lot. There have been several accidents with a 45 MPH speed limit. The road is not built for tractor trailers. There is no fencing behind his house. There are no trees on the proposed lot because it was completely cut. A school bus was almost in an accident because of the tree clearing activity. There are many kids in the neighborhood and some walk to school. The applicant have an easement to access through super fund site for their access drive. He purchased his property 17 years ago and was told nothing could be built on that lot because of contaminated soil. The applicant hit a gas line and was told there was mercury. He also wants to know hours of operation and if trucks are going to queue in the road. The trucks that drive past now rattle their homes. There are also concerns with headlights shining into their windows at night.

Michael Levari, Principal of GMR Freezer and Cold Storage, testified on his own behalf. He owns two other locations and he runs clean operations. His trucks do not park on the road. The facility is located in the rear of the lot. Trucks will be going in and out of the site, but this property is located in an industrial zone. Hours of operation will be 6:00Am until 7:00PM. There will be at least 20 employees. There will be 30-50 trucks entering and exiting the site throughout the day. Once they enter the site, they are out of the way.

Ms. Hicks stated that Mr. Levari did a good job on Mill Road and Oak Road with the trees. She would like to see the same trees planted along the residential side at this location.

Michael Schenk, member of public, owns a property there. He purchased his home 21 years ago. IT was surveyed and he had a fence installed. The applicant's contractor tore it down. They claimed to own 25' of their property. There is a pile of fence in his backyard and a big hole.

Shelly Schenk, stated that they had people banging on their door and intimidated them during this whole process. She agrees with all the issues raised by neighbors. She also feels that the applicant should put their fence back up.

Wayne Souders, Site Contractor, testified on behalf of the applicant. The applicant had the land surveyed. A portion of that fence was already down. They ran the fence to the corner and stopped at the property line. If they went any further, the fence would be on someone else's property.

Migdalia Mercado, member of the public. The road is residential. It has a hill so it is hard to see, and it is not wide enough for tractor trailers. The proposed entrance to the site is not safe.

Troy C. Clybourn, member of the public. That portion of Oak Road floods when it rains and the road has dips. Two cars ran off the road and went into his yard. The cars speed down that road, so the kids have to walk on his property to get off the road. He has nothing against progress but the neighborhood deserves to have a peaceful life.

The Vice-Chairman entertained a motion to close the public hearing. Ms. Velez so moved, Mr. Odorizzi seconded.

Roll Call:

Doug Menz; Yes

Thomas Tobolski: Yes

Sandy Velez: Yes
Nilsa Rosario: Yes
Robert Odorizzi: Yes
David Acosta: Yes
Michael Pantalone: Yes

The Vice-Chairman entertained a motion to approve the application. Ms. Velez so moved, Mr. Odorizzi seconded.

Roll Call:

Doug Menz; Yes
Thomas Tobolski: Yes
Sandy Velez: Yes
Nilsa Rosario: Yes
Robert Odorizzi: Yes
David Acosta: Yes
Michael Pantalone: Yes

Eagle Pallet– located on the northerly side of Garden Road between Route 55 and N. Mill Road, Block 602, Lot 10, Tax Map Sheet #6, Project No. PBA-23-00058. Minor site plan approval to construct a 566.4 square foot end-loaded pallet kiln with reinforced concrete padding.

Applicant was represented by Michael Guccio, Esq. The applicant will comply with all the comments in the Engineering Report. Planning Report, item 6, applicant is requesting a variance for side yard setback (13.35 feet provided vs. 35 feet required). Item 7, the applicant is requesting a waiver for the building front entrance is not oriented towards the street. Item 10, waiver for outbound and topographic survey information/plan (signed and sealed), dated within 18 months prior to the application date. Item 11, waiver for plan drawn to standard engineering scale, not less than 1"=50' and not more than 1"=10'. Sheet size shall be 24"x36" or 11"x17". In the event that the overall site does not fit onto a standard sheet size, an additional site plan sheet shall be provided which shows the entire site development at a reasonable standard scale. This is an accessory metal building with no floor, and is an end-loaded pallet kiln. The opening is facing to the north rather than the south. The kiln contains 566.4 square feet. The applicant is a certified exporter of pallets. The pallets need to be heat treated to kill bugs and bacteria. The wood is properly treated for export regulatory requirements. The pallets are placed into this device and heated by a natural gas fuel type of appliance. The placement of the structure is 13.35 feet from the eastern property line. It does not cause disturbance or affect neighbor to the east. Currently, the parked trailers from that site touch the applicant's fence. Photographs were submitted showing the proposed area, fence and trailers.

The Chairman entertained a motion to close the public hearing. Mr. Pantalone so moved, Mr. Odorizzi seconded.

Roll Call:

Doug Menz; Yes
Michael Pantalone: Yes
Thomas Tobolski: Yes
Sandy Velez: Yes
Nilsa Rosario: Yes
Robert Odorizzi: Yes
David Manders: Yes

The Chairman entertained a motion to approve the application. Mr. Pantalone so moved, Ms. Velez seconded.

Roll Call:

Doug Menz; Yes
Michael Pantalone: Yes
Thomas Tobolski: Yes
Sandy Velez: Yes
Nilsa Rosario: Yes
Robert Odorizzi: Yes
David Acosta: Yes
David Manders: Yes

The Chairman entertained a motion to approve Resolution #6606. Mr. Pantalone so moved, Mr. Odorizzi seconded.

Roll Call:

Doug Menz; Yes
Michael Pantalone: Yes
Thomas Tobolski: Yes
Sandy Velez: Yes

Nilsa Rosario: Yes
Robert Odorizzi: Yes
David Acosta: Yes
David Manders: Yes

SPECIAL BUSINESS

Amend §425-289, I-B Industrial-Business Zone standards.

Amend §425-289 I-B Industrial-Business Zone standards

Replace B(5) with the following wording:

(5) All uses permitted in the B-3 Zone, except for public garage (car wash, auto body shop, towing facility), drive-in theater, fleas market, self-storage business, sign business, new and used car sales, and billboard.

The Chairman entertained a motion to make a recommendation to City Council. Mr. Pantalone so moved, Mr. Odorizzi seconded.

Roll Call:

Doug Menz; Yes
Michael Pantalone: Yes
Thomas Tobolski: Yes
Sandy Velez: Yes
Nilsa Rosario: Yes
Robert Odorizzi: Yes
David Manders: Yes

The Chairman entertained a motion to Resolution #6607. Mr. Pantalone so moved, Mr. Odorizzi seconded.

Roll Call:

Doug Menz; Yes
Michael Pantalone: Yes
Thomas Tobolski: Yes
Sandy Velez: Yes
Nilsa Rosario: Yes
Robert Odorizzi: Yes
David Manders: Yes

ADJOURNMENT

The Chairman entertained a motion to adjourn.

Roll call:

Doug Menz; Yes
Michael Pantalone: Yes
Thomas Tobolski: Yes
Sandy Velez: Yes
Nilsa Rosario: Yes
Robert Odorizzi: Yes
David Acosta: Yes
David Manders: Yes

TIME: 7:28 PM

Respectfully submitted,

Yasmin Perez
Planning Board Secretary