

Victory Gardens Planning Board Minutes
August 18, 2021

Harry Bami called the meeting to order.

Meeting started at 7:00 P.M.

Pledge of Allegiance to the Flag of our Country.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Meeting Act.

IN ATTENDANCE: Mayor Dave Holeman Harry Bami Diane Feola
John Cegelka Manuel Venero Jim Glass
Kevin Lewthwaite

Attorney: Phillip LaPorta, ESQ of Eric. M. Bernstein & Assoc., LLC
Planner: Aaron Kardln, of J. Caldwell and Assoc.
Engineer: Leon Hall

ABSENT: Anne Davis

MINUTES: from July 21, 2021

John Cegelka made the motion to accept the minutes from the July 21, 2021 meeting. Jim Glass seconded it.

A roll call vote was taken:

Mayor Dave Holeman	Yes
Harry Bami	Yes
Anne Davis	Absent
Diane Feola	Yes
John Cegelka	Yes
Manuel Venero	Yes
Jim Glass	Yes
Kevin Lewthwaite	Yes

Minutes were approved with seven "ayes."

RESOLUTIONS: None

CORRESPONDENCES: Revised plans from Nourish NJ, Inc.
Anderson & Denzler Associates, Inc., Aug. 13, 2021: report from the last meeting regarding Nourish NJ, Inc.
J. Caldwell and Associates, LLC, Aaron Kardon, PP : report by Jessica Caldwell, PP, AICP, LEED GA, from the last meeting regarding Nourish NJ, Inc.

BILLS: None

OLD BUSINESS: None

NEW BUSINESS: Nourish NJ, Inc., application to operate a community food bank with accessory office space at 347 South Salem Street, Victory Gardens, NJ

Applicants Attorney: **Michael T. Lavigne** of Fox Rothschild, LLP
49 Market Street
Morristown, NJ 07960-5122
973-992-4800
Representing the applicant: Nourish NJ, Inc.

Attorney Michael T. Lavigne:

Last month you hear testimony from the applicant and professionals they are working with, you heard what type of operation/business they will have, the nature of the communities they will be serving, the types of service they will provide, hours of operation, number of employees, detail of the floor plans,

and the site plan, we went through and addressed some questions the Borough Engineer had. You also heard from the professional land use planner.

There have been revisions made due to the feedback that we had at the July 21, 2021 meeting that was held. Parking has revised for nine (9) foot spacing throughout the location. There are now forty (40) parking spaces where previously we had forty-eight (48) total parking spaces. The parallel spaces along the east side were written into the revised plans, however, the parking spaces are now marked with "Employee Only" parking. Even though we have lost eight (8) parking spaces to allow for on-site navigation as per the planner from the last meeting, we are still over the required number of spaces required per the ordinance. This will not require us to seek a variance on the number of parking spaces, Kevin confirmed this. Some revisions have been made Per the County letter date July 14, 2021, we have added a "No Left Turn" sign and a "Do Not Enter" sign at the South Salem Street egress. The parking spaces along South Salem Street have been reduced from six (6) to two (2) per the County's request along South Salem Street. Jim Glass about a parking space in front on the overhead door, that is what it looks like to him. There was some discussion and Kevin expressed concern with two parking spaces in this area. He suggested removing them since there was more than ample parking as of now. Someone asked if there was striping in front of the overhead door which would imply a "no parking zone." There was testimony regarding ballards being in front of doors. Kevin asked about bollards, barriers in front on the parking spaces along to sidewalk, he sees them on the revised plans and it was confirmed that they will be placing them in this area. Kevin stated that the removal of the two parking spaces is something the two engineers could go over, approve and not something that requires it to come back before this board so as not to hold up this application. Continuing thru the summary of the changes, the ADA parking, the one space that was there has been moved away from the bilco doors and an additional one was provided. We are now proposing a ten (10) foot by fifteen (15) foot trash area, near the employee parking spaces. An eight (8) cubic yard dumpster, a recycling dumpster with a six (6) foot high treks fence surrounding it. There will be two (2) pvc parking bollards placed by the doors on the left side of the building and along Franklin Road to protect pedestrians. There are plans for the parking lot to be cleaned, cracks to be sealed and the asphalt to be sealed appropriately. The stormwater drain in the southwest corner of the property will be reconstructed per the request of the Borough Engineer. The generator will be placed in the southwest corner of the building. The signage of the building will be explained in more detail by the architect. We will update our plans to be consistent with what the architect will be presenting. There was a request to have the lights go off one hour after closing that will be put into the site-specific notes. There was also a request that trash pick-up not to happen before 7 am and that has been added to the site-specific notes. They did receive the Board's Engineer report of August 13, 2021. The architect will speak about the first item in the report regarding the signage. We can agree with numbers two (2) thru nine (9) in that report. For the Planner's updated letter, we can agree to their items, the biggest one being, item #5f, accurately report the number of parking spaces and update the something, could not understand, he talks too fast.

The Board attorney, Phil Laporta, asked, when you make that revision to show the proposed, it will be two (2) fewer parking spaces? Correct, there will be 38 parking spaces on the revision. Phil had no more further questions for him. Does the Board or consultants have any?

Diane Feola asked about the dumpster area. She wanted to know if that was enough room for trucks to navigate around and will the garbage truck have enough room? Will they be coming and going out the same way? They be coming in from Franklin Road. They will be pull in head on, pick the trash up, back up, turn and come out on South Salem Street. Kevin asked if they have demonstrated this and know that it can be done. Yes. Diane asked for recycling also and answer was yes.

Kevin asked about the "plastic bollards." He was corrected that they will be made of concrete with a plastic covering. They Mayor wanted a confirmation that these will be placed along Franklin Road, yes that is where they will be located. No other questions were asked.

Attorney Michael Levine reminded Jeffrey McEntee, license architect, office at 59 Broadway, Denville, NJ, that he remains under oath from the last meeting when he gave statements. One of the items that was discussed was signage on or for the building. The architect had an exhibit with him which was marked with the date of this meeting and A2. This is a revised site plan from the last meeting which has been updated to show Franklin Road and South Salem Street and a general example of the signage which the applicant is proposing. They are proposing wall signage as proposed to monument or freestanding signage. There will be a sign on the front of the building facing Franklin Road at seventy-

five (75) square feet in size. There will be two signs one close to the South Salem Street and one over the entrance door. There will be another one on the South Salem Street side of the building, thirty (30) square feet. They will be white and non-illuminated. It was confirmed none of the edges of the sign will protrude above the roof line. Kevin asked why the signs will not be illuminated due to fall and winter, it is dark earlier and the location will still be open for business. It was explained that there is lighting on the building that will help in the illumination of them. Kevin suggested that there be something to at least light the one above the entrance door. The mayor asked if there will be markings on the door that read, "Nourish NJ?" Jeffrey believed there will be. Jim Glass asked about the hours being marked on the door.

Kevin asked for feedback from Leon Hall, Borough Engineer. He asked for confirmation on the size of the signs for the Franklin Road side of the building. The larger sign will be about seven and a half (7.50) by four (4) feet on the larger ones and could not hear the size on the smaller one. A lot of noise coming from the actual recording, totally inaudible, at 29:12 on the recording. Kevin had asked about lighting in the rear of the building for security purposes. Keep in mind that it not be shining onto the residents' homes on the side of the building. Leon had said something about the light and how it should be directed, inaudible. Maybe having the light shine downward from the dumpster area and it be shielded.

Kevin says he believes this can be approved tonight with direction from Leon Hall regarding the lighting. There were no more questions for the architect.

Kevin stated they were ready to make a motion on this. First, he asked if Leon Hall had anything else to add. Someone was saying something about immortalizing what was said, have it on record, the amended plans and the items that were mentioned in Leon Hall's letter dated, August 13, 2021. Leon said items one (1) thru six (6) have been addressed and item number seven (7) is actually on the plans. Then he corrected himself and said items two (2) thru six (6) have been addressed. Then he said two (2) thru six (6) and item number eight (8). Kevin said they also touched on the generator being in compliant with the noise level. Leon said that is usually done by the construction zone official, there are specific requirements, he said something in regards to how many feet away from the construction itself and that is something the construction official will look at. Kevin asked for confirmation of where it will be located, southwest corner of the building. There was some kind of noise that the recording itself would make, every so often, making some of this conversation inaudible. Leon had made reference to some things, then Jim Glass has said something about the parking. Leon went onto say there has to be an inspection fee posted, need to receive county approval, all those things have to be something, inaudible. Jim Glass reiterated that the parking spaces and signage have to be in the report and the lights outside pointing downward. Kevin said there might be some amendment done with regards to the striping, with elimination to the parking spots adjusted as well. Someone was talking with Leon about something, inaudible. Kevin said there has to be a resolution regarding the "taxes". Leon said something with regards to this and Kevin says we have it. Kevin says the taxes will be based on the assessed value. He says because you are a non-profit how is that going to work? Someone said they were not really sure about that and they did not believe that it belonged in this resolution of approval. He did not believe it belonged with this board and the approval. There was some discussion among the professionals, inaudible. Leon Hall said based on something he recommends something to this board. That something be written up and everyone looks at it, so everyone is on the same page, that way everyone can look at it. He said there are some conditions that need to be met before he believes it can be approved. More discussion, inaudible. Someone was saying all this need to be written down, so the resolution can be memorialized and someone does not need to read thru the minutes, listen to the tape, they will know exactly what was said "yes" to. More of that noise, at 40:30 on the tape. Kevin wanted to understand that from his point of view, it is not their decision to determine the tax rate but what is the mechanism if this planning board approves the nuts and bolts of this but there is a concern with the Mayor and Council? I am guessing the attorney says, for this purpose of tonight, the decision that is considered tonight has no bearing on what the Mayor & Council decide to do. He goes onto say something with regards to making a decision and it being a non-profit and taxes. This typist does not fully comprehend what he is trying to say. Kevin goes on to say, if we approve this, we are tying the hands of the Mayor and Council at that point? Leon went on to say something about the Mayor and Council. This discussion goes on between people but not totally audible. Jim Glass asks, so we cannot deny this because it is a non-profit? Someone went onto explain that if someone else were to come in and do whatever and it were to change the tax rate, that change would be on other departments not this board. Someone went on to say that there is a way around for this non-profit to make a "voluntary contribution" for municipal

services. This person went onto say that it did not belong here and the applicant stands by what has been discussed so far here with the project. Jim Glass went on to voice the concern about the possibility of this Borough losing the \$20,000 revenue, it cannot really afford to do so without effecting the residents and what the pay in taxes now. Kevin says, ok, we understand that we need to make a decision on the physical project here. Someone said, that the best practice would be to conduct a vote tonight and it would authorize him, not really sure who he is referring to, look at his notes, review Leon Halls reports, review the minutes, and immortalized this information. Create that record that everyone and the public can refer to, the members of the public, the applicant himself, the building department, and will have a draft in advance for everyone to look at, professionals and consultants, to take a look at it, make sure it is correct, and have to convene again to vote to adopt that resolution. We still need to file building permits but we cannot do that because we do not own the property yet, but what is a time concern for us is, a time sensitive issues is we are under contract and that we can only extend once on the purchase of the property. We are in need of an approval contingency. In order to make our closing date we need to know that the resolution be approved in a timely fashion, like next month's meeting.

Kevin said we should open it to the public. Jim Glass made the motion to open the meeting to the public. Mayor Holeman, seconded it. Everyone was in favor of this.

Jim Janone had a question for Leon Hall, regarding the line paint for the parking lot and how expensive it is and he did not think it should be a stipulation in this process. He also wanted to know that with all the items that are being requested for the applicant to do, will it be written out for the public to view? He wanted to know if it would be available for the public prior to the adoption of the resolution. There was some discussion. Kevin believes the resolution will be written up prior to the meeting and does not see any reason why the public cannot see it prior to the meeting as well. The attorney said some boards do this and some don't, it is the board's decision to allow this. Kevin has no problem with this but it may not be done with enough time to put it out there but he sees no problem that it cannot be made available to the public the day of the meeting. Kevin said as far as the line striping that was a recommendation made by the Borough Engineer. Leon defended his position on this, stating how long it will last and how durable it is compared to other materials used.

Kevin asked for a motion to close the meeting to the public. Mayor Holeman made the motion to close the meeting to the public. Inaudible as to who seconded it. All were in favor of this.

Kevin made a motion to vote on the approval of the "D" variance. Diane Feola seconded it. A roll call vote was taken.

Hari Bami	Yes
Anne Davis	Absent
Diane Feola	Yes
John Cegelka	Yes
Manue Venereo	Yes
James Glass	Yes
Kevin Lewthwaite	Yes

The motion to approve to the "D" variance on the site was approved with six yes"

Kevin made the motion to adopt the Minor Site Plan as depicted. Diane Feola. A roll call vote was taken.

Mayor Holeman	Yes
Hari Bami	Yes
Anne Davis	Absent
Diane Feola	Yes
John Cegelka	Yes
Manue Venereo	Yes
James Glass	Yes
Kevin Lewthwaite	Yes

The motion to approve the Minor Site Plan has been approved.

There will be a September 15th meeting.

Kevin made the motion to close the meeting. Diane Feola seconded it. All were in favor of this.

