

Victory Gardens Planning Board Minutes
September 15, 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:

ABSENT: Anne Davis, Leon Hall

MINUTES: from August 18, 2021

Mayor Dave Holeman made the motion to accept the minutes from the August 18, 2021 meeting. Kevin Lewthwaite 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: Application: Variance

Type: D Use Variance and Minor Site Plan Variance

Applicant Name: Nourish NJ Inc.

Property: 347 South Salem Street, Block 4, Lot 8

Phillip LaPorta, Attorney from Eric M. Bernstein & Associates, LLC – Planning Board legal counsel, wrote this resolution up. There were a couple of amendments since the original version last week. The final WHERAS makes reference to the applicant to negotiate fair and equitable agreement on a payment in lieu of taxes with the governing body, it is not under the jurisdiction of this board. There was a comment made by a woman, in audible. Phillip said the other question during a conversation was regarding the signage. The minutes did reflect that there will be three (3) signs, as long as they are within the ordinances. Kevin states, yes, he believes the testimony was that there would be three signs, one above the door, one on the building, to the left of the door and the third one on the South Salem Street side of the building. The free-standing sign that was there has been removed. Phillip said one last issue was that, which he discussed with **Michael T. Lavigne** of Fox Rothschild, LLP, the applicant's attorney, there has been a recent law act by the State of New Jersey, public law 2021, chapter 171, which refers to electric vehicles charging stations. Basically, what this new law enacts, and it is retroactive, very broad, is that every county, every municipality, every zone in New Jersey, is now to include charging stations, that basically it is not to be considered a non-permitted use where ordinances don't otherwise allow an applicant to obtain a variance. So, you no longer have to obtain a variance and it goes on to require charging stations for all new development and major site plan changes and it appears it may be a requirement to have one charging station at this location. It was discussed with Mr. Lavigne and researched and it looks like they will be required to have one charging station. This will be done thru a permit being issued. How they determine it for this application is found in section B-2, found within the someplace. Very wordy and descriptive. This site plan would be required to have a "make ready"

parking space. So, for 50 or fewer parking spaces they are requiring you to “pre-wire” a place for a charging station in the future if needed. As the laws changes over time more and more will be required. They expect us to do this, but there are two different kinds of charging stations, ones that charge a person to charge their vehicle, which is a more expensive charging station or one in which you can just charge a vehicle without a cost to it. This publication just came out earlier this week and they are retro effective. Many municipalities have amended their ordinances to include this. It is applicable to this. Kevin had a few questions; the garbage pick-up is not be before 7 am, he did not believe he saw that in there. It is written on the last page. The hours of operation, he asked about no business starting before 7 am, like their own trucks and 8 am on Saturdays. He asked when do you think you would be ceasing hours of operation. He was told, by a female, usually 8 pm, but then by the time we clean up, we may be leaving at about 9 pm. Phillip said we would need a motion to add an amendment of the hours of operation: Monday thru Friday will be 7 am till 9 pm and on Saturday and Sunday 8 am till 9 pm. For the record Teresa Connolly, CEO of Nourish, is accepting this. A motion to alter the resolution to add the hours of operation as stated / testified above. Motion was made by John Cegelka and seconded by Jim Glass.

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

Motion was approved with seven “ayes.”

A motion to open the meeting to the public for the altering of the resolution that addresses the hours of operation was made by Harry Bami and seconded by Mayor Holeman. All board members, present, approved this on a verbal vote.

Jim Janone had a question: How come there wasn’t a separation of the two because one was a variance and one was a different type of approval? A site plan approval. The attorney stated they were both voted on separately. Jim question on who could and could not vote on variances. There was some discussion and looking at papers to make sure Jim was looking at the most recent one. Jim again pointed out who and who could not vote on the variances. Jim pointed out that the minutes stated all the board members voted. The attorney said he address it to read correctly. He had a question on the number of staff that will be working and that pointed out that Anne Davis was not present for any of these meetings and on one set of minutes it reads, “all members approved this.” He questioned this and said all members did not, due to one being absent. He then had a question regarding the wording on the outlet, one section says repaired and the other says reconstructed. He did not know why it was referenced in two different places. He says it says PVC Parking Bollards, he did not remember that being discussed in the meeting.

Kevin called for a motion to close the meeting to the public. Harry Bami made the motion and Mayor Holeman seconded it. All board members, present, approved this on a verbal vote.

Kevin called for a motion to amend the resolution to clarify information that was referenced above to the final draft. Harri Bami made the motion and Mayor Holeman seconded the motion. All board members, present, approved this on a verbal vote.

Mayor Holeman asked about the documentation regarding the payment in liu of paying taxes by the applicant. He was told by attorney that is something that this board does not involve themselves in and that the Mayor and Council are to be handling that. He did say that if the Mayor and Council would like this board to take that on then they would need to hear from the Borough Attorney and Mayor and Council regarding this.

Kevin called for a motion to adopt the resolution for the applicant: Nourish NJ Inc.'s application to operate a community food bank with assessor's office space, located at 347 South Salem Street, Victory Gardens. Kevin made the motion and Mayor Holeman 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

Adoption of the resolution was approved with seven "ayes."

Kevin called for a motion to open the meeting to the public. Harry Bami made the motion and Mayor Holeman seconded it. All board members, present, approved this on a verbal vote.

Jim Janone had a question on the previous meeting minutes. He stated there was areas where they read in audible, rustling of paper, no clarification on who was speaking. He wanted to know if the minutes going forward were going to be more detailed, he felt they would be hard to understand for someone coming in to read them. Kevin said he felt the contents of the meeting were satisfactory to him and if someone wanted more detail they could always ask to listen to the tape. Jim asked if these taped minutes would be retained because he knows they can be destroyed at some point in time. Due to this was hearing he believes the actual taped minutes should be retained. The attorney, explained that the resolution immortalizes everything in detail and the minutes cannot show documents, plans, architect plans that were presented. The resolution will have all physical documents filed with it and it trumps the minutes. The purpose of the minutes is to give an understanding of what is being immortalized. The attorney believes the typist did a pretty good job with what she had to work with. She referred to the audio tape and wanted to know when and if they are going to be available. They are available now.

Harry Bami made the motion to close the meeting to the public. Mayor Holeman seconded it. All board members, present, approved this on a verbal vote.

Harry Bami made the motion to adjourn the meeting. Mayor Holeman seconded it. All board members, present, approved this on a verbal vote.

Minutes type by Debbie Devery.