

Minutes of the virtual meeting of the Linden Planning Board, October 13, 2020 at 6:30 pm

Board Members Present:

*Joseph J. LaPlaca, Chairman
Armand A. Fiorletti, Vice Chairman
Councilman Barry Javick
Frank Hetem
Curtis Humphrey
Felipe Cabezas
Michael Anderson
Nayo Edem*

*Anthony Rinaldo, Esq. – Board Attorney
Nicholas J. Pantina, City Engineer
Paul Ricci, PP – City Planner
Lee Klein, PE – Traffic Expert*

Deanna Wizbick – Court Reporter (in place of M. Virginia Guinta).

Start Time has been changed to 6:30 PM

Nicholas J. Pantina acted as host for the virtual meeting and reviews the ground rules stated the meeting is being held in accordance with the Open Public Meeting Minutes Act.

Flag Salute.

Roll Call

Upon motion by Nicholas J. Pantina to approve the minutes of the September 8th, 2020 meeting, second by Armand A. Fiorletti, a vote was taken and the minutes were approved by majority vote.

- *Following Resolutions approved:*
 - *SP 1113-20 West Coast Shipping;*
 - *SP 1125-20 & SD 752-20 Renewable Energy LLC; &*
 - *SP 1129-20 Linden Development, LLC – Freddy’s Frozen Custard & Steakburgers;*

- *No Redevelopment Cases heard this month.*

- *Applicant:*

SD 755 -20 KW Home Kreation, LLC – 816 Baldwin Ave – Represented by Gregory Juba, Esq.

 - *Applicant has received all of the Board Review Reports & has no problems complying with (Planning, Engineering and or Shade Tree Reports);*
 - *Motion made by Vice-Chairman Armand A. Fiorletti to approve Application SD 756-20, seconded by Nicholas J. Pantina.*

- *Applicant:*
SP 1133-20 & SD 756-20 Linden Development LLC – 1016 W. Edgar Rd – Starbucks – Represented by John P. Michalski, Esq.
 - *6 Bulk Variance presented*
 - *Exhibit A-1 entered into record by Design Engineer (For Linden Legacy Site, including Taco Bell) Brad Thompson, PE of Bohler Engineering. Exhibit A-1 consists of Sheet C-03 entitled Subdivision Exhibit represents a color layout of the Amended Preliminary & Final Major Subdivision for Linden Development, LLC, as prepared by Bohler Engineering, last revised 9/24/20. Brad Thompson testified that as a result of a “Curb Change along the northerly subdivision line with Proposed Lot F-1, being the Proposed Starbucks” to the recently Planning Board Approved Taco Bell Site a.k.a. Proposed Lot E, such can not be built as recently approved. Revised plans to be submitted will include:*
 - *Landscape buffer along the subdivision line between Taco-Bell & Starbucks, approximately 4.5 ft in width;*
 - *Potential sidewalk changes on southerly side Taco Bell;*
 - *Potential Drive-Thru Lane modifications;*
 - *Potential changes to location of Monument Signage & tree(s);*
 - *Discussion of Trash Roll-out;*

Revised Taco Bell changes to be submitted to Planning Board Secretary within 1 week;

- *Exhibit A-2 entered into record by Design Architect Brad Kern, RA of the firm Bergmann Architects Engineers Planners, consisting of 7 page Colored Rendering, presented on 11” x 17” landscape format sheets, entitled “Linden, NJ Façade Renderings for Zoning Review – 09/18/2020 Starbucks”*
- *Exhibit A-3 entered into record by Design Engineer (Starbucks Only) James E. Henry, PE of Dynamic Engineering, consisting of a colorized version of the Starbucks Site Plan (Copies not provided to Planning Board; virtual only)*
- *Keenan Hughes, PP also spoke in support of the Starbucks Application & 6 Bulk Variances;*

Motion made by Vice-Chairman Armand A. Fiorletti to approve Starbucks Application SD 756-20 with variances as presented, and conditions as stated in Professional Reports, seconded by Councilman Barry Javick. All members voted in the affirmative.

Motion made by Vice-Chairman Armand A. Fiorletti to approve Starbucks Application SP 1133 -20 with variances as presented, and conditions as stated in Professional Reports, seconded by Councilman Barry Javick. All members voted in the affirmative.

- *The Linden Planning Board took an 11 minute break between 8:04 PM & 8:15 PM*
- *Applicant:*
SP 1132-20 Linden Development LLC – 1016 W. Edgar Rd – Medical Office Bldg – Represented by John P. Michalski, Esq.

- *City Engineer Nicholas J. Pantina referenced Section 31-45.2 of the City Code dictating that Federal Aviation Administration Approval would be required for any construction within the Runway Protection Zone (RPZ) Overlay;*
- *Applicant testified & confirmed:*
 - *Federal Aviation Administration Approval of original building orientation (As shown on Sheet C-03 Subdivision Exhibit A-1, as prepared by Bohler Engineering & identified under SP1133-20 & SD 756-20 in earlier part of tonight’s meeting). Since the Federal Aviation Administration has previously approved “a building”, final coordinates of such should not be an issue?*
- *Anthony Rinaldo, Esq, Counsel for Linden Planning Board, ruled on Law, and decided to hear the application tonight. However, should conditional approval be deemed by the Linden Planning Board, the corresponding Resolution will reflect that the application will not be effective without Federal Aviation Administration approval;*
- *Exhibit A-1 entered into record by Design Architect Brad Kern, RA of the firm Bergmann Architects Engineers Planners, consisting of 1 page Colored Rendering, entitled “Pad #1 Legacy Square – Perspective Rendering – Sheet A-3” dated 9/18/20 (Similar to submitted Architectural Renderings, but in Color). Minor signage changes also presented. Digital Exhibit to be submitted to PB;*
- *Exhibit A-2 entered into record by Design Engineer (Medical Office Building) Robert J. Curley, PE, PP, as submitted via email, on 10/12/20, and agreed to by Planning Board Traffic Consultant Lee D. Klein, PE.;*
- *Keenan Hughes, PP also spoke in support of this Application & the RPZ Overlay Concerns. Current proposed footprint for the Medical Office Building, results in a 17.85 foot offset to the RPZ Overlay, requiring Federal Aviation Administration approval. Federal Aviation Administration has previously required Obstruction Lights Model L-810 Red UBS, to be mounted atop of the building.*

Planning Board Questions:

Vice-Chairman Armand A. Fiorletti – Why are the proposed handicap spaces only proposed on the Tenant B side?

Jeff Coker (Representing Owners, Cypress Equities) – Tenant A desires five designated parking spaces & as a result, the proposed handicap parking spaces will not be able to be accommodated adjacent to Tenant A side;

Nicholas J. Pantina – Can ‘Pocket 11’ be modified for a Handicap Space; possibly 1 space on either side of middle?

Jeff Coker – We will work out the details to resolve the issue, including providing the 5 spaces desired by Tenant A.

Vice-Chairman Armand A. Fiorletti – Regarding the ingress access from NJSH Rt. 1&9 South, the centerline curb shall be extended approximately 25 ft in a westerly direction (toward Walmart), to eliminate any motorists turning left/south into Medical Office Building parking area. Appropriate signage shall also be incorporated supporting left turn restriction;

Robert Curley – Will accommodate on Resolution Compliance Plans. Robert Curley had also discussed with Walmart’s Traffic Consultant & Engineer of Record for their Off-Tract Traffic Improvements Karl Penhke, PE, that the current expected traffic is less than what was previously approved.

Felipe Cabezas – Why does the Planning Board always entertain so many changes & revisions during the physical meeting? Why can’t the plans be revised & resubmitted for proper review by the City’s Professionals? With follow-up the following month?

Jeff Coker – Revisions were made last minute to accommodate Tenants: AFC Urgent Care (Tenant A) & Asper Dental (Tenant B) are both potential tenants at this point.

Motion made by Vice-Chairman Armand A. Fiorletti to approve this Application SP 1132-20 with variances, discussed conditions as presented, and conditional to Federal Aviation Administration approval, as well as, all conditions as stated in Professional Reports. Seconded by Nicholas J. Pantina. All members voted in the affirmative.

- *Comments for the Good of the Board*
 - *Regarding 4050 Tremley Point Road, a.k.a., Accordia Realty – Previous Approved Planning Board SP 1062-17, the Applicant has requested Administrative Approval for the following changes, as presented on 3 exhibits (Sent via email to Paul Ricci & Nicholas J. Pantina):*
 - *Exhibit 1 – Key Plan of the southerly portion of the site, identifying the already constructed 132,685 SF warehouse with associated site improvements;*
 - *Exhibit 2 - Approved Site Plan w/Door Detail – The original building as Approved, included six (6) single doors and three (3) double doors for a total of twelve (12) loading dock spaces, that have not yet been constructed;*
 - *Exhibit 3 – Proposed Construction being Requested via Administrative Approval – Exhibit 3 reflects the six (6) (originally approved) single doors on the south side of the building; plus six (6) new single doors on the southwest side of the building, that will replace the originally approved three (3) double doors; plus, three (3) additional single doors. The total amount of doors to be constructed, provided Administrative Approval is granted, will be fifteen (15) door openings, vs. original twelve (12) as approved under SP 1062-17. Paul Ricci gave an overview of the application & current proposal. Planning Board agreed that the proposed improvements can be performed administratively, and no further Board action would be required. Paul Ricci, will however, create & forward necessary documentation to the Applicant advising them of the Planning Board decision.*

Motion made by Vice-Chairman Armand A. Fiorletti, to grant Administrative Approval to Accordia Realty, as presented & supported exhibits. Seconded by Felipe Cabezas. All members voted in the affirmative.

- *Upon motion by Mr. Armand A. Fiorletti and seconded by Mr. Felipe Cabezas, the meeting was adjourned to the November 10th, 2020 meeting.*
- *Post Script – Due to scheduling issues, the November Meeting was cancelled; Next meeting will be 12/8/20.*

The above represents notes scribed by Nicholas J. Pantina during the course of the meeting, and in no way constitutes all of the discussions made during the 10/13/20 PB Meeting.