

MINUTES  
 PLANNING BOARD MEETING  
 THURSDAY – JUNE 6, 2013 - 7:30 PM  
 315 WESTFIELD AVENUE, COUNCIL CHAMBERS

In accordance with the Open Public Meeting Law, P.L. 1975 c231, notice of this meeting was published and a notice as to the time and place of this meeting was deposited with the Township Clerk and posted on the bulletin board of the Clark Municipal Building at least 48 hours prior to the meeting.

1. Roll Call

NAME	ROLL CALL			
Mayor Sal Bonaccorso	O			
Council Rep. Frank Mazzarella	X			
John Laezza	O			
Michael Kurzawski	X			
John Zamboni	X			
Kevin Koch	X			
Robert Tarantino	X			
Neil Curcio	X			
Matthew Casey	X			
Michael Altmann, Alternate 2	O			
Michael Cresitello, Planning Board Attorney	X			
Rich O'Connor, Township Engineer	X			
Lt. Pollock, Police Dept. Rep.	X			
Chris Buccarelli, Fire Dept. Rep.	X			
Lisa McCabe, Secretary	X			

2. Pledge of Allegiance

3. Correspondence

- A. Letter from Rich O'Connor Ref: Tomarc, Clark Retail Center, 45 & 77 Central Avenue, Block 70, Lots 3, 4 & 28.01

A motion to dispense with the reading of the minutes was made by Mr. Mazzarella and seconded by Mr. Koch. All Ayes

4. Minutes

A motion to approve the minutes of March 19, 2013 and April 4, 2013 was made by Mr. Koch and seconded by Mr. Tarantino. All Ayes

5. Site Plan

A. Tomarc, Clark Retail Center, 45 & 77 Central Avenue, Block 70, Lots 3, 4 & 28.01

Diane Dabulis, Esq. stated that the applicant is proposing to have a personal training and cycle spinning classes and the second floor of the building. It is presently being used as an office space. The application is for a change of use and also a parking variance.

The existing use is an office that is 3,500 square foot office. The entire space is 13,000 square feet. The remainder of 7,500 square feet will be used for the personal training facility. At this point they are only looking to use 2500 square feet which would hold about 25 cycle bikes. Normally the classes are only half filled which would be about 12 people per class.

Rich O'Connor stated that the applicant is requesting parking variance for 13,500 square feet of commercial recreation use. Anything that is smaller would not have to come back before the Board. It will be up to the Board to approve what they are asking for or just what they are planning to use at this time. The applicant feels that with the total amount of space available, they would need an additional 90 parking spaces.

Alex Baranov, applicant representative was sworn in. He is employed by Tomarc as a property manager. He is in charge of the Marshalls, bank and office building. He stated that there will be 4 classes per day, 2 in the morning, 1 in midday and 1 in the early evening. On Saturday there will be two morning classes and they will be closed on Sundays. There will be 1 trainer per class. The building will be closed when there are no classes. The facility will be open about 20 minutes before class and close about 20 minutes after class. They are planning on only have 25 bikes available. At this time, they do not have a plan to use any more space, nut they are asking for the whole space with the hopes of growing and maybe offering classes.

Mr. Mazarella asked what the square footage is that they will be using. Mr. Baranov stated that they be using 1500 square feet for the bikes. The rest is common area, 1 office and 3 showers. The studio will use about 2300 square feet total. Mr. O'Connor stated that they are going to need additional flow rights for the showers.

A motion to open the meeting to the public for questions of Mr. Baranov was made by Mr. Zamboni and seconded by Mr. Koch. All Ayes

A motion to close the meeting to the public for questions of Mr. Baranov was made by Mr. Koch and seconded by Mr. Zamboni. All Ayes

Alan Lothian, Langan Engineering, Parking Engineer was sworn in. A motion to accept as an expert witness was made by Mr. Mazzarella and seconded by Mr. Koch. All Ayes.

Mr. Lothian stated that he has been involved with this site for some time. He did a parking study on 4 separate days. 2 weekdays and 2 Saturdays from 12 pm to 8 pm. They were able to identify the peak periods during each day for the West lot (Target lot) and the East Lot (Marshall's side of the lot).

The east parking lot never exceeded 50% capacity. The whole side was at 53.7% full. There were 374 unoccupied spaces on the site. This was done on Saturday at 4:15 PM. During the week, on a Wednesday the peak for the site was at 3:15 PM and the occupancy was 42.2%, and a Friday, the peak time was 1:45 PM and the occupancy was 50.9%.

The change in use from an office to personal training requires 1 space for every 150 square feet. The office space required 1 space for every 200 square feet. For the use that the applicant is proposing at this time, they would need 4 additional spaces as compared to the office. For the entire site of 13,500 square feet, the difference would be 23 spaces as compared to the offices.

Mr. Mazzarella stated that they have already received approval for 68 spaces so they are asking for an additional 23 spaces. This would include the entire site.

Mr. Zamboni stated that the analysis should have been done during the peak months which would be November – January.

Mr. Zamboni asked if the police and fire department had any issues with the application. Neither did.

Mr. Mazzarella stated that the landscaping on the site is horrendous. Mr. Baranov stated that Target's Management is supposed to take care of the maintenance of the site. Mr. Baranov has been calling and telling them all the time. Mr. Koch also stated that this was supposed to be taken care of when the last application came before the Board. Ms. Dabulis feels that they continually try to address the issues. She also stated that they are not the owner of the property and have little control. She also stated that her client will put more pressure on Target.

Mr. Zamboni asked if there are any changes to the lights or signs. Mr. Lothian stated that there is no change to the lights, but they may have a sign which would be in conformity.

Mr. Casey asked if a feasibility study was done. Mr. Baranov stated that they have research from 10 existing studios.

A motion to open the meeting to the public for questions of Mr. Lothian was made by Mr. Zamboni and seconded by Mr. Koch. All Ayes

A motion to close the meeting to the public for question of Mr. Lothian was made by Mr. Koch and seconded by Mr. Curcio. All Ayes.

Ms. Dabulis stated that this application was generated as a result of a change in use. The use is permitted. Additional parking demand is needed with the change. For the entire use of the site an additional 23 spaces would be required as to where a variance is requested. If the Board only wishes to grant us the variance for the 2500 square feet of space, the variance would be for 4 spaces. She also stated that the amount of time that the spaces would be occupied is also half the amount of time.

Mr. O'Connor stated that if the Board grants less than the amount of spaces that are requested, then the next us in will probably bring this applicant back to the Board for another variance.

Mr. Mazzarella feels that he would like to agree to a certain percentage because he doesn't trust client to diligence on the cleanup. Mr. Kurzawski stated that cannot be part of the application.

Mr. Mazzarella stated that he will grant the 2300 square feet. He feels that the applicant will have to come back for further uses. He also stated that they need to go to RVSA for extra use. Mr. O'Connor stated that the applicant will have to purchase flow rights from the township.

Mr. Zamboni feels that based on the testimony and comments by the engineer, he agrees with Mr. Mazzarella.

Mr. Kurzawski feels that we should grant the 13,000 square feet as per the applicant request.

A motion to open the meeting to the public for comments was made by Mr. Koch and seconded by Mr. Tarantino. All Ayes

A motion to close the meeting to the public for comments was made by Mr. Koch and seconded by Mr. Zamboni. All Ayes.

A motion to approve the application for 2300 square feet, 25 bikes and 4 parking spaces was made by Mr. Mazzarella and seconded by Mr. Curcio.

Mr. O'Connor stated that if the facility should grow, the ability to enforce is minimal. He feels that the Board should rethink to allow for the 23 spaces. If they grow, we are going to see a bunch of applications for 2-4 parking spaces. Mr. Kurzawski agreed. Mr. Mazzarella feels that there needs to be a line drawn.

Ms. Dabulis suggested that the Board grant 7500 square feet which will be 12 parking spaces.

Mr. Mazarella amended his motion to approve the application for 12 parking spaces based on 7500 square feet and was seconded by Mr. Zamboni. Ayes: Mazarella, Zamboni, Tarantino, Curcio, Casey. Nays: Kurzawski, Koch

6. New Business

7. Old Business

8. Public Session

A motion to open the meeting to the public was made by Mr. Koch and seconded by Mr. Tarantino. All Ayes

A motion to close the meeting to the public was made by Mr. Koch and seconded by Mr. Tarantino. All Ayes.

9. Next Meeting

August 1  
September 5  
October 3

10. Adjournment

A motion to adjourn the meeting was made by Mr. Koch and seconded by Mr. Tarantino. All Ayes