

Victory Gardens Planning Board Minutes
January 16, 2019

Diane Feola, Chairperson, called the meeting to order.

Meeting started at 7:05 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 Jim Glass Avis Byfield
Anne Davis Diane Feola Barrie Palumbo

Attorney: John Kaplan, ESQ
Engineer: Leon Hall

ABSENT: John Cegelka

REORGANIZATION: Nomination of Chairman – Jim Glass made the motion to nominate Diane Feola as the Chairperson. Anne Davis seconded it. There were no other nominations for this position.

A roll call vote was taken:

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
John Cegelka	Absent
Avis Byfield	Yes
Anne Davis	Yes
Barrie Palumbo	Yes

Nomination of Vice-Chairman – Avis Byfield made the motion to nominate Anne Davis as the Vice-Chairman. Jim Glass seconded it. There were no other nominations for this position.

A roll call vote was taken:

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
John Cegelka	Absent
Avis Byfield	Yes
Anne Davis	Yes
Barrie Palumbo	Yes

Nomination of Secretary – Mayor Dave Holeman nominated Barrie Palumbo for the position of Secretary. Jim Glass seconded it. There were no other nominations for this position.

A roll call vote was taken:

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
John Cegelka	Absent
Avis Byfield	Yes
Anne Davis	Yes
Barrie Palumbo	Yes

Approval of Resolution 2019-01 (Professional Appointments)

Jim Glass made the motion to approve this resolution. Mayor Dave Holeman seconded it.

A roll call vote was taken:

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
John Cegelka	Absent
Avis Byfield	Yes
Anne Davis	Yes
Barrie Palumbo	Yes

Approval of Resolution 2019-02 (Sunshine Notice)

Mayor Dave Holeman made the motion to approve this resolution. Jim Glass seconded it.

A roll call vote was taken:	Mayor Dave Holeman	Yes
	Jim Glass	Yes
	Diane Feola	Yes
	John Cegelka	Absent
	Avis Byfield	Yes
	Anne Davis	Yes
	Barrie Palumbo	Yes

Approval of Resolution 2019-03 (Variance Report)

Avis Byfield made the motion to approve this resolution. Mayor Dave Holeman seconded it.

A roll call vote was taken:	Mayor Dave Holeman	Yes
	Jim Glass	Yes
	Diane Feola	Yes
	John Cegelka	Absent
	Avis Byfield	Yes
	Anne Davis	Yes
	Barrie Palumbo	Yes

Approval of 2019 meeting dates

Mayor Dave Holeman made the motion to approve the 2019 meeting dates. Avis Byfield seconded it.

A roll call vote was taken:	Mayor Dave Holeman	Yes
	Jim Glass	Yes
	Diane Feola	Yes
	John Cegelka	Absent
	Avis Byfield	Yes
	Anne Davis	Yes
	Barrie Palumbo	Yes

Minutes from April 18, 2018

Mayor Dave Holeman made the motion to accept the minutes from April 18, 2018. Avis Byfield seconded it.

A roll call vote was taken:	Mayor Dave Holeman	Yes
	Jim Glass	Yes
	Diane Feola	Abstain
	John Cegelka	Absent
	Avis Byfield	Yes
	Anne Davis	Yes
	Barrie Palumbo	Yes

Applications: Olivia Cardona – Name of new business – Wapa’s Beauty Salon
 301 South Salem Street
 Waiver of site Plan
 Applicant’s attorney: Marc A. Futterweit, Dover, NJ.

The landlord Ken Ruch signed off on the application for this new business in his building.

Olivia Cardona was sworn in by the Planning Board Attorney, John Kaplan. He said there is a language barrier as Ms. Cardona speaks primarily Spanish.

This is a waiver of a site plan, not a change of use and it is a permitted use.

The business is a beauty salon. There will be a manicure station and a pedicure station. The Board was given a floor plan, it was not given with the application when that was submitted. Floor plan marked as exhibit A-1. The only change that was made from the original salon was that two hair stations were added. The pedicure station was there before. There was a plumbing permit taken out but no answer was given as to why Ms. Cardona took it out. Barrie Palumbo asked if she was open for business already? The owner expressed that she was looking for a CO to open. Mayor Dave Holeman expressed the fact they see people coming and going from the place. The attorney said that they are workers and Mayor Holeman said these are woman going into the place. The attorney asked the owner and she said no they were people who were helping to fix the place up. Barrie asked what about the signs she has posted. Barrie also asked about the hair stations because as new salon it is required that you wash hair. The attorney asked Ms. Cardona and she said there is a sink to wash hair next to the pedicure station. This was only a nail salon and now they are doing hair? The attorney said yes, now there are two hair stations and sink to wash the hair. There is only one sink and one manicure station and one pedicure station and two hair stations. Jim Glass asked if that was what the plumbing permit was for, the hair sink and was told yes.

Barrie Palumbo had said the exterior of the place has some issues. She expressed that there are violations on the building and the parking area. There are no painted stripes and there is garbage everywhere. There are some bulk items outside her entrance and Zoning Officer said these problems need to be addressed now. Avis Byfield asked who is responsible for this? Barrie said the building's owner and she will need to look at the lease to see what she is responsible for. Barrie expressed that the problems that exist on the property, the bilco doors are broken, there is no dumpster for raw/business garbage, there is no recycling dumpster, the parking area and lack of designated lines for customers to park, are all not adequate enough for this business owner to open and have customers coming into her shop. They are site plan issues and the responsibility of the owner of the building but they do affect this tenant and her customers being able to enter her business safely.

Leon Hall, Borough Engineer, asked when her lease agreement went into effect? November 2018. The owner of the building was giving her the time to set up. Barrie asked if the building owner informed her she needed to go before this board? Her attorney said someone told her because she did fill out an application. Barrie explained that she needs a letter from her for the DCA so Ms. Cardona can receive a license from the state and Barrie informed Ms. Cardona of this. But Barrie also told her she needed to go before the board first. Leon reconfirmed what was inside the business. He asked based on this what is the maximum number of people, customers, will be in the shop, she responded three (3). The number of employees will be two (2), the owner and an employee. Parking needed will be three (3) spaces for the customers and two (2) for the employees, so a total of five (5). Leon asked if in the agreement did it state this, her attorney did not think so but he will have to re-read it. Leon said this is an important part of this business, how many spaces are elevated to this business.

Barrie expressed again that these are site plan issues and the owner of the building has to address these. What Ms. Cardona is here for is a waiver to the site plan, but without an approved site plan it is difficult for the board to approve this application. Leon Hall said the same thing if the board feels that the applicant cannot answer these questions then the board may have to refer to the board's attorney as to whether you can approve this. The board needs the site plan before them which they do not have. There are questions that could be answered with this site plan but without it, they go unanswered. The board attorney said it sounds like we need to make contact with the building's owner, Kenneth Ruch to be able to answer some of these questions.

Barrie Palumbo said again that she needs the license from the state in order to operate. She has a personal license but the establishment needs a license as well. Her attorney said once she receives the CO from this board she will apply for the license from the state. There was discussion of board members that basically said they do not feel they can give her the proper CO to open with all these questions of the property itself. Ms. Cardona's attorney reiterated what needed to be addressed, the parking area and designated lines and the correct number of dumpsters. Barrie said the dumpster should probably be enclosed. Someone asked what the liquor store did with their garbage and it was stated it was all over the rear of the yard. The property needs to be cleaned up and compliant with all that is being discussed here. The landlord must address these concerns with the board.

It was decided to table this until the next meeting, which is February 20, 2019. Leon Hall asked for confirmation of the address, 301 or 303, it is 301. He also asked if the board would like him to prepare a report after he makes an inspection. They were in agreement with him doing this. This hold up of this application falls on the landlord.

Anne Davis made the motion to table this until the next meeting, February 20, 2019. Mayor Dave Holeman seconded it.

A roll call vote was taken.

Mayor Dave Holeman	Yes
Jim Glass	Yes
Diane Feola	Yes
John Cegelka	Absent
Avis Byfield	Yes
Anne Davis	Yes
Barrie Palumbo	Yes

Correspondence: None

Bills: None

Old Business: None

Mayor Dave Holeman made the motion open the meeting to the public. Anne Davis seconded it. All in were in favor.

No public there.

Avis Byfield made the motion to close the meeting to the public. Jim Glass seconded it. All were in favor.

Avis Byfield made the motion to adjourn the meeting. Mayor Dave Holeman seconded it. All were in favor.

Typed by Debbie Devery