

**BOROUGH OF JAMESBURG  
LAND USE BOARD**

**MINUTES  
MAY 14, 2015**

Chairman John Walker called the meeting to order and announced that the same was being held pursuant to the Open Public Meetings Act and that all the provisions of the Act had been met.

Flag Salute

Roll Call: Present:           Roseanna Davino           Shannon Spillane  
                                  Niki Durando               John Walker  
                                  Joseph Howard            Brian Wright  
                                  Susan Kozar                Atty: Michael Balint  
                                  Mayor Lowande  
                                  Joseph Maccaro

John LeCompte appeared for Alan Dittenhofer

Absent: Bruce Rampacek

**Approval of minutes March 12, 2015**

Motion: Maccaro  
Second: Wright  
In favor: All in favor

**PUBLIC HEARING**

**Hippeli – Block 45, Lot 15**

Michael Dowgin is the attorney for the applicant. He explained that Cathy and Ray Hippeli are asking for 2 changes to the approving resolution from 2011. They would like to amend the number of patrons allowed and the number of weekday seating's to the Tea Room on Gatzmer Avenue. Mrs. Hippeli explained that the business is very successful and she has had an overwhelming response. She explained that weekday seating's would be smaller groups as opposed to the larger groups on the weekends but they would not be expanding to the second floor, just adding more chairs to the existing floor plan. Mrs. Hippeli also stated that they still had a lease agreement with Forsgate Commons for parking and will change that to include the new hours, if approved.

Motion to open to public: Howard  
Second: Lowande  
All in favor

Joann Malet – sale of property, times for weekdays? garbage  
10 Davison Ave.

Rina Brennan – promotes Jamesburg and other businesses in town, loves the  
19 Dante Rd. room  
Monroe

Bob Smisko- fence not what was approved, not utilizing Commons parking  
174 Gatzmer Ave

Mike Balint questioned the fence which Mrs. Hippeli stated was approved by the zoning officer. Mr. Ray Hippeli spoke at this time and stated that the fence was put up by previous owner and that Bernie Long, the zoning officer at the time, stated it complied with the approval. Mr. Hippeli stated that at the time of them purchasing the home they never had a problem with the Smisko's. Mr. Smisko then stated that he asked the Hippeli's if they would like to purchase the lot adjacent to their property and they said no.

Carla Soden - a Tea room regular, also utilizes other businesses in town after  
1 Brandy Place going to the tea Room.  
Monroe

Motion to close to public: Lowande  
Second: Spillane  
All in favor

Motion to approve an amendment to Resolution #07-11: Howard  
Second: Davino  
In favor: Davino, Durando, Howard, Kozar, Lowande, Maccaro, Spillane, Walker

## **PUBLIC HEARING**

### **Duarte – Block 40, Lot 10**

Walter Toto is the attorney for the applicant, Louis Duarte. Mr. Duarte is seeking to make an existing two family home into two retail spaces and two apartments. One space on the bottom floor would be for a takeout Bar-b-que restaurant. The other retail space is unknown and the applicant agrees to come before the board before renting the space. The second floor would be renovated into two, one bedroom apartments.

Mr. Duarte explained the takeout restaurant and presented some menus from similar restaurants in Newark. He stated that his wife would be running the day to day operations as she has a degree in business management. The hours of operation would be 10 am -9 pm Monday through Thursday and 10 am – 10 pm

Friday and Saturday. There would be 2 or 3 employees. Garbage pickup would be by a private hauler and a small dumpster would be utilized. The garage is presently used for his electrical business but would be used for the restaurant in the future. The size of the restaurant would be 600 square feet and there would be a few tables for waiting. Mr. Duarte stated that he did not want a sit down restaurant because it would be too much work for his wife.

Paulo Dantas is the architect for the applicant. He explained the floor plan. Mr. Dantas explained the renovations to the façade and that they would add a covered porch. He discussed the cooling and heating systems and the kitchen ventilation. He also stated that they would be adding an attic to the building and it would be used for storage. This brought on some discussion regarding the attic being another bedroom due to the fact that they will have 7 foot ceilings. Mr. Dantas stated that the attic would only be 1/3 of the 2<sup>nd</sup> floor; Mr. LeCompte suggested removing the dormers so it is unlivable. Mr. Balint suggested a deed restriction with the deed stating the apartment is a one-family, one story, and one bedroom unit.

Daniel Doran is the engineer for the applicant. Mr. Doran explained where the property is located and the adjacent properties. He explained the handicap access and the trash area. Mr. Doran talked about the parking. He stated that 16 spaces are needed and only one is being provided on site, which would be a handicapped space. Mr. Doran feels there is an excess of parking on the street. Mr. LeCompte inquired about drainage and about a refuse enclosure. There will be a 4 cubic yard dumpster to be used by all tenants.

At this time Mr. Walker stated that the plans do not match what was discussed at a pre-application meeting. Apartments are no gain for the Borough and the garage could be eliminated to allow for on-site parking. The applicant or his attorney did not meet with any of the neighbors to discuss the opposition. Mr. Toto stated that the garage is now being used for Mr. Duarte's electrical business but it will be used for the restaurant, if approved. Mr. Walker suggested the applicant use the upstairs for office space.

Motion to open to the public: Wright  
Second: Maccaro  
All in favor

Frank Valenti – parking, no restaurant experience  
3 Franklin St.

Hal Soden – garage, number of uses, character, sewer, ventilation  
1 Brandy Place  
Monroe

Bob Soden, Jr. – parking, integrity of neighborhood, fire truck access  
42 Half Acre Rd

Mr. Balint reminded the members of the public that the restaurant is a permitted use. The variance is required for the apartments.

Carla Soden – parking  
1 Brandy Place  
Monroe

Thomas Soden – parking  
4 Harrison Street

Sandra Dutcher – trucks, parking, equipment, variances  
28 Wood Ave  
Englishtown

Bob Dutcher – garbage, lighting, hours of operation, grease fires and disposal  
28 Wood Ave  
Englishtown

Motion to close to public: Wright  
Second: Maccaro  
All in favor

At this time Mr. Toto asked the Board if he can talk with his client and carry the application to the next meeting before the Board takes a vote. The Board agreed to carry the application to the June 11<sup>th</sup> meeting.

Motion to adjourn: Kozar  
Second: Lowande  
All in favor

**Motion to Adjourn:** Howard  
Second: Lowande  
All in Favor