

**BOROUGH OF WOODCLIFF LAKE
PLANNING BOARD
JANUARY 12, 2009 8:00 P.M.
MINUTES**

Call to order:

The meeting was called to order at 8:00 p.m. at the Borough Hall by the Chairman.

Adequate Notice Statement:

The Chairman announced that the Meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, was announced at the Reorganization Meeting held on January 14, 2008 in the Municipal Building. Notice of this meeting was posted and two newspapers, The Record and The Ridgewood News, were notified. Notice was also provided, in accordance with the Open Public Meetings Law, of the Planning Board's intention to conduct formal business at this Meeting.

The public is advised of the Planning Board's rule that the meetings will be concluded by 11:00 p.m.

Flag Salute

Oath of Office forms were administered to Messrs. Fry, Singer, Langschultz, and McDonough for the year 2009 by Mayor LaPaglia. These will be kept on file.

Roll Call:

George Fry, Chairman	Present
Robert McDonough, Vice Chairman	Present
Kenneth Glemby	Present
John Glaser	Present
Frederick Singer	Present
Mayor LaPaglia	Present
Willford Morrison	Present
Al Dattoli	Present
Robert Boffa	Absent
Joseph Langschultz	Present
Peter Michelis	Present
Mark Leibman, Esq. for Paul Kaufman	Present
Elliot Sachs, Engineer	Present
Donna Holmqvist, Planner	Present
John Pavlovich, Traffic Engineer	Present
Kathy Rizza, Secretary	Present

Minutes:

The minutes from December 8, 2008 were approved on a motion from Mayor LaPaglia, seconded by Mr. Morrison, and carried.

2009 Reorganization:

George Fry was nominated for **Chairman** on a motion from Mayor LaPaglia, seconded by Mr. Singer. Being no other nominations, Mr. Fry was named Chairman of the Planning Board for the year 2009 with all members present voting in favor.

Robert McDonough was nominated for **Vice Chairman** on a motion from Mr. Singer, seconded by Mr. Glemby. Being no other nominations, Mr. McDonough was named Vice Chairman of the Planning Board for the year 2009 with all members present voting in favor.

Paul Kaufman, Esq. of the firm Kaufman, Bern, Deutsch and Leibman, L.L.P. was nominated for the position of **Planning Board Attorney** on a motion from Mayor LaPaglia, seconded by Mr. Glemby. Being no other nominations, Mr. Kaufman was named Planning Board Attorney for the year 2009 with all members present voting in favor.

Elliot Sachs, of Boswell Engineering was nominated for the position of **Board Engineer** on a motion from Mayor LaPaglia, seconded by Mr. Langschultz. Being no other nominations, Mr. Sachs was named Planning Board Engineer for the year 2009 with all members present voting in favor.

Donna Holmqvist of Burgis Associates was nominated for the position of **Board Planner** on a motion from Mayor LaPaglia, seconded by Mr. Morrison. Being no other nominations, Ms. Holmqvist was named Planning Board Planner for the year 2009 with all members present voting in favor.

John Pavlovich of Jacobs was nominated for the position of **Board Traffic Consultant** on a motion from Mayor LaPaglia, seconded by Mr. McDonough. Being no other nominations, Mr. Pavlovich was named Planning Board Traffic Consultant for the year 2009 with all members present voting in favor.

Kathleen S. Rizza was nominated for the position of **Board Secretary** on a motion from Mayor LaPaglia, seconded by Mr. Morrison. Being no other nominations, Ms. Rizza was named Planning Board Secretary for the year 2009 with all members present voting in favor.

The 2009 Schedule of Meetings was approved, as amended, on a motion from Mr. Glaser, seconded by Mr. Morrison, and carried by all present.

Public Hearing:

**Martin Malek
Proposed Commercial Building
126 Broadway
Block 2701, Lot 1**

Board member Al Dattoli recused himself from this application, he resides within 200' of the proposed building.

Bruce Whitaker was present as the Attorney for the applicant. He stated that major modifications have taken place with this application. He gave a brief overview of the application to date. The structure has been modified to a one story, 6570 sq. ft. building with 31 parking spaces. The only entrance will be from Broadway and the only exit will be onto Campbell with no right hand turn. The drainage system will have perpetual maintenance by the owner, not the Borough. The site plan application has been revised. The wife of Mr. Malek is now the property owner of record. It will still be retail/office space. Modifications include 31 parking spaces proposed where 38 are required, a design waiver for parking stall size: some spaces will be 9.5' x 18' where 10' x 20' is required, a design waiver to permit parking within 30' of a street right of way and within 8' of a side lot line, a design waiver to permit an exit onto Campbell Ave., aisle width to be less than 25', and the retaining wall location to be within 5' of a street right of way, side or rear property line.

Mr. Malek, still under oath from his earlier appearances, was next to speak. He referred to plans dated October 22, 2008. These were marked as Exhibit A-1 10-22-08. Exhibit A-2 10-22-08 is the colorized elevation plan, and Exhibit A-3 10-22-08 is the colorized site plan. Referring to Exhibit A-2 10-22-08, Mr. Malik stated that there will be a maximum of 5 retail/office spaces available. Referring to Exhibit A-3 10-22-08 Mr. Malik stated that he has met with the Volunteer Fire Department and the County. Both meetings were on an informal basis, with nothing in writing. The Broadway entrance is 25' wide and is one way. The exit on Campbell is angled to not allow a right hand turn on Campbell Avenue. He again stated that the County has verbally agreed to this. There will be 2 handicapped spaces and 5 regular spaces in the front of the building. On the south side there will be 15 spaces, and on the north side there will be 9 spaces, for a total of 31 parking spaces. The aisle width minimum is 24', and this has been accepted by the Volunteer Fire Department. The aisle width is 25' in the front and 27' in the rear. The exit width is 20'.

Regarding lighting for the site, Mr. Malek will comply with whatever the Borough requires. Mr. Langschultz would like the poles to be brought down to 15' instead of 20' as shown on the plan. This will be looked into. There is a 30' buffer zone in the rear with 2 rows of evergreens proposed. In the front the town had planted shade trees. The trees are in the construction zone and must be removed but will be saved and replanted

along with additional trees. The applicant has a landscape architect and they will comply with the recommendations of Ms. Holmqvist of Burgis Associates.

Drainage was next to be discussed. The current impervious coverage is 52%. The roof square footage is 6500. The roof will drain into dry wells outside the buffer zone under the sidewalk. There will be onsite drainage for the rest of the building. Mr. Sachs, the Board Engineer, stated that this will work. Mr. Whitaker stated again that all maintenance of the drainage system will be the responsibility of the owner. Mr. Sachs stated that he has to look at the existing flood situation across the street from this site.

Board questions:

Chairman Fry asked Board Engineer Sachs if he was comfortable with he has heard from the applicant regarding drainage. Mr. Sachs responded that there is a lot of work to be done with Dr. Pazwash from Boswell Engineering. Modifications need to be made. Regarding lighting, Mr. Sachs stated that the plan submitted satisfies the borough ordinance. A new plan will be submitted once the Borough informs Mr. Malik of their desires. Ms. Holmqvist stated that Ed Snieckus from Burgis Associates has looked at the lighting and landscaping plans. He is concerned with the wall fixtures. Mr. Snieckus will put together some fixtures that are suitable for the Borough. We should have his report sometime this week. Mr. Pavlovich, the Board Traffic Consultant questioned the amount of poles needed if the lights are lowered.

Regarding landscaping, the Applicant stated that there will be 2 rows of Blue Spruce trees in the rear of the property. There will be shade trees and low shrubbery in the front. The Volunteer Fire Department does not want large trees in the front. Any trees in the front that can be saved, will be. Chairman Fry asked if there will be any fences in the buffer zone. He was told no, just curbing and a retaining wall. There will be no fences on the south side. Mr. Michelis asked if a landscape Architect has seen the site yet. He was told no. Mr. Sachs stated that before the applicant works with Burgis Associates he would like to see county site triangles superimposed on the plan. This will be done. The Mayor asked for the location of the dumpster. Mr. Sachs stated that the dumpster should be enclosed. Garbage truck maneuvering was discussed, along with time of day of garbage pick up at the site. Chairman Fry asked if the dumpster is of sufficient size for the site. Mr. Malek stated that it is 20' x 7', triangular shape. It could be enclosed for cardboard and recyclables. Mr. Singer stated that the dumpster area should have a roof. Chairman Fry stated that it would then be a structure within the setback. Attorney Whitaker stated that a compactor may be needed. This situation will be reviewed by the applicant. Chairman Fry asked that it be made less conspicuous. Mr. Sachs suggested moving it 5-10' to the south. Exhibit S-2 10-22-08 shows the dumpster drawing. Mr. Sachs quoted from the town ordinance regarding the dumpster: if not a structure it should be screened and landscaped. Mr. Glemby questioned the roof style and the concealment of the mechanicals. Mr. Michelis confirmed that there are 2 roof levels. He also questioned the position of the roof top mechanical units. The plan, Exhibit A-2 10-22-08, was shown regarding this. It was stated that all mechanicals will be in the center area and will not be seen from the street. Mayor LaPaglia spoke regarding the ability to walk

around the building. There are only walkways on the south side and the west side. None on the north or east sides. It may be necessary to install bollards. Mr. Michelis is concerned with the safety issue of blind egress. This will be reviewed.

Chairman Fry spoke in regard to the plan showing County taking 8' in front of the site for Broadway roadway expansion. Mr. Malek says he has spoken to the County on this issue. Nothing is definite regarding this. The County Planner, Eric Timsak, has informally reviewed this current plan.

Attorney Kaufman advised Mr. Malek to discontinue saying what the County has said. There is nothing in writing. He advised the Board to forget what was said regarding comments from the County, the Volunteer Fire Department and the Police Department. Chairman Fry stated that he is concerned with the site if and when the County does take 8' of Broadway roadway as it will effect the western portion of the present site plan. John Pavlovich spoke regarding the square footage of the building. This plan shows a larger footprint with a smaller building which effects coverage, parking and safety. Mr. Singer asked why a design waiver is needed for the exit on Campbell. He was told that the zoning provision states there must be an entrance and exit on Broadway. Ms. Holmqvist stated that this could be a variance. Mr. McDonough questioned whether or not there is enough parking for all possible tenants. Chairman Fry stated that he is in agreement with the ingress and egress as shown on the current plans. The Board was polled on this plan with all members in agreement, except Mr. Singer, who abstained as he was not on the Board at the time of this discussion.

It was decided that the applicant's traffic consultant testimony would be held off until the next meeting. Mr. Morrison questioned the height and projection of the overhang in the rear of the building. Mr. Malik stated that this is approximately 15' high but was unsure of the projection dimension. This will be checked. It was stated that vehicle turning templates will be needed.

A discussion was held regarding whether or not the County will take the 8' roadway easement from Broadway at this site. Ms. Holmqvist didn't think that the County was going to take the property. Attorney Kaufman stated that they will in the future. Ms. Holmqvist stated that the Board may want to see plans showing the property with the 8' frontage and an additional set showing the property without the 8' frontage if the County should take the property.

This application has been carried to February 9th. Attorney Kaufman advised the applicant's Attorney that he would require re-notice go the neighbors and publication in the local newspapers. This will be done. Mr. Michelis stated that the floor plans drawings need revisions to remove references to a second floor.

A motion to go into public session was made by Mayor LaPaglia, seconded by Mr. Langschultz, and carried.

Al Dattoli, 11 Zanoni Street – Stated that he sees that the building size has been reduced but there are still the same problems as discussed in the earlier hearings. He asked that they eliminate the parking problem. He was told that to do this the building would be too small. Mr. Dattoli asked the distance from curb lines to the property on all sides. He was told that there will be a full basement. A plan for this will be provided. There will be no basement heat, no basement air conditioning, but it will be sprinkled. There is no second floor for storage.

Chairman Fry confirmed that there will be no office space in the basement. He was told that is correct. There will only be storage and mechanicals in the basement. Electrical meters will be in the basement, not outside.

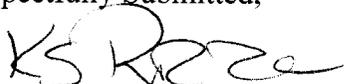
Gwen Levine, 65 Campbell Ave. - Thanked the developer and the Borough for the modification to the plan.

Carmen Yannelli, 44 Campbell – Observes a safety issue at the north corners of the property. He asked the Board to please be aware of this concern.

The public portion of the meeting was closed on a motion from Mr. McDonough, seconded by Mr. Morrison, and carried by all.

The meeting was adjourned on a motion from Mr. McDonough, seconded by Mr. Langschultz, and carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'KS Rizza', written in a cursive style.

Kathleen S. Rizza, Secretary