

REORGANIZATION
&
REGULAR MEETING

Meeting called to order by Mayor Mahler with a salute to the flag at 7:45 P.M.

READING: Open Public Meeting Announcement

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and the Herald News on December 31, 2017 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

Mayor Mahler swore in New Member Suzanne Henderson and Re-Appointed Members Councilman Dominick Cortellessa Kevin Platt, Robert Dale Spear and David Slater.

New Member John Crilly's swearing in was put on hold until he receives approval from his Employer. Mr. Crilly will be attending and listening to tonight's meeting in the event an application is carried to another hearing date.

ROLL CALL: Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Robert Dale Spear, Michael Ryan, Suzanne Henderson, David Slater and Mary Leonard.

ABSENT: Members Gilbert Foulon and Joseph Graceffo

NOMINATION FOR CHAIRMAN: Member Slater nominated Gilbert Foulon, seconded by Member Councilman Cortellessa. No other nominations heard. Nominations closed.

ROLL CALL ON NOMINATION FOR CHAIRMAN: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan, Henderson, Slater and Leonard.

NOMINATION FOR VICE CHAIRMAN: Councilman Cortellessa nominated Joseph Graceffo, seconded by Member Platt. No other nominations heard. Nominations closed.
ROLL CALL ON NOMINATION FOR VICE CHAIRMAN: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan, Henderson, Slater and Leonard.

NOMINATION FOR BOARD ATTORNEY: Councilman Cortellessa nominated Steven Veltri, seconded by Member Platt. No other nominations heard. Nominations closed.
ROLL CALL ON NOMINATION FOR BOARD ATTORNEY: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan, Henderson, Slater and Leonard.

NOMINATION FOR BOARD ENGINEER: Member Slater nominated Alaimo Engineering (Michael Cristaldi), seconded by Member Leonard. No other nominations heard. Nominations closed.
ROLL CALL ON NOMINATION FOR BOARD ENGINEER: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan, Henderson, Slater and Leonard.

NOMINATION FOR BOARD PLANNERS: Member Slater nominated both Alaimo Engineering and Benecke Economics as Planners, seconded by Councilman Cortellessa. No other nominations heard. Nominations closed.
ROLL CALL ON NOMINATION FOR BOARD PLANNERS: Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan, Henderson, Slater and Leonard.

MINUTES: from the January 19, 2017 Meeting.

MOTION TO APPROVE: made by Member Slater, seconded by Member Leonard. Voting yes were Members Platt, Slater and Leonard. Mayor Mahler, Councilman Cortellessa, Members Spear, Ryan and Henderson abstained.

ENGINEER'S REPORT: No new applications; only the two applications on tonight's agenda.

MOTION TO RECESS RE-ORGANIZATION MEETING AT 7:54PM: made by Councilman Cortellessa, seconded by Member Slater. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan, Henderson, Slater and Leonard.

REGULAR MEETING

Regular Meeting called to order by Mayor Mahler at 8:07pm.

ROLL CALL: Mayor Daniel Mahler, Councilman Cortellessa, Members Kevin Platt, Robert Dale Spear, Michael Ryan, Suzanne Henderson, David Slater and Mary Leonard.

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Chairman Gilbert Foulon and Vice Chairman Joseph Graceffo

REVIEW OF BUSINESS APPLICATION: Stamping Flatware

Property Owner/Tenant: Doty Group, LLC

Property Address: 14 Doty Road, Unit A, Haskell, NJ 07420

Authorized Agent: A. Michael Rubin, Esq., 1330 Hamburg Turnpike, Wayne, NJ

This matter is being carried.

NEW BUSINESS APPLICATION: Physician & Nursing Consultation

**Property Owner: Haskell Town Center, LLC, c/o BSG Management Company,
6305 Kennedy Boulevard, North Bergen, NJ 07045**

Property Address: 1069 Ringwood Avenue, Unit 301-2, Haskell, NJ

**New Tenant: Intravascular Consultants/Wellness Infusion By Design
Deborah Kingsley, 6 Linda Road, Wanaque, NJ**

No one appeared on behalf of this Application and it will be carried to the February 15, 2018 Meeting.

APPLICATION #PB2017-08 “CJ’s Own, LLC”

Property Address: 613 – 615 Ringwood Avenue (Block 235/Lot 13)

Application For Minor Subdivision

Authorized Agent: James La Sala, Esq.

EXHIBITS:

A-1 Colorized Sheet of Proposed Site Plan for Applicant’s Minor Subdivision

A-2 Revised Zoning Table for Business District for Applicant’s Minor Subdivision

James LaSala, Esq. representing the Applicant, CJ's Own, LLC will be having Joseph Golden, testify as Applicant's Engineer, and if needed, Nancy Cagmere, who is the Manager of CJ's Own, LLC.

Attorney Veltri swore in both the Engineer and Applicant.

Joseph Golden, a Licensed Professional Engineer, since 1986, and graduated from NJIT with the Undergraduate and Masters Degree in Civil Engineering. Board Engineer in four towns, a Board Planner in one town, also the Township Engineer in Pequannock. License is current. Also a certified Professional Planner.

Engineer Golden's Testimony

Engineer Golden referring to and marked, as Exhibit A-1, a blow-up of the Site Plan the Board has, which may have a few modifications based on the County, and is untitled with the Zoning Table on it.

Engineer Golden stated this is a relatively straight forward application from an engineering perspective with some issues on variances that I will talk about. This is the existing Steiner facility on the corner of Railroad Avenue & Ringwood Avenue, which is a commercial facility and on the same property is also a small single-family residence. At present, both of these structures/buildings are on the same lot and have been there for a very long time. We are here today for a subdivision and would like to separate the two buildings so that they are on their own property. We want to get the commercial off of the residential lot. One of the problems we have, and you will notice, is that the residential zone skirts the back of the property along Ringwood Avenue as we head north/northwest. I will always refer to the right side of the paper as north so that the record is clear when I am talking. To the north is also the Business Zone and residential is allowed but it is allowed above a commercial facility. From a planning perspective, we would like to cure the fact that we've got two buildings on the same lot, two separate uses on the same lot but the issue is when we separate them one is residential and one is commercial. Once we do separate them, the positive is that they will be stand alone buildings specific to their use. We will have a pre-existing, non-conforming residential use on the Lot 13.02. The dark line on the plan in the center of the property traveling west and then towards the south is our proposed property line.

There are a couple of issues with this property as it stood and the County made quite a few comments on what they would like to see changed. As it exists right now, the parking for the residential structure is adjacent and right in between these two buildings. There is also an alley where people have been driving to the rear of the building squeezing in between the two buildings. The County, and also us, don't like people backing out onto Ringwood Avenue, which is a dangerous situation.

The County does not want two-way circulation in front of the building. Right now, we have perpendicular parking into the building. As I am sure you are aware, as people are backing out they are crossing the sidewalk and essentially going off the property into the right of way just to make a movement to park in front of the building. What we did was flip the parking to around the rear of the building. The County did not want two-way

access onto Ringwood Avenue so we are proposing a single entrance only from Ringwood Avenue and exit only onto Railroad Avenue. We've provided one large parking spot here in front of the building and made it so that we can park and access the rear of the parking. This facility doesn't have a lot of daily traffic; it's not a retail type of facility so we don't see an issue with that. Those familiar with the building, there is a garage door along Railroad Avenue on the western side of the building, which is opened and accessed frequently. We also have another garage door that faces Ringwood Avenue. All these items are to remain. One thing we are not doing is proposing any changes to the structures of the buildings whatsoever.

The good news is that we are really separating these uses, which is one of the better elements of planning, but the downside of doing all the separate like this is that we are going to create some bulk variances. This lot, after subdivision, creates two lots that are undersized. Side setbacks, and things like that, really don't change, but the fact that we are creating this line in the middle of the buildings now creates some side setbacks. We are maintaining the rear setbacks, and the side setbacks that are adjacent to the existing facilities. We are not adding any curb cuts or anything. One of the comments from your Engineer was to add additional curb cuts. Curbing actually ends right here (the southerly property line of Railroad Avenue about midsection) along with the sidewalk. The remainder of Railroad Avenue doesn't have any curbing or sidewalks on the north side. Referring to Sheet of 3 which really shows you the subdivision plan, it does show the existing gravel driveway and the majority of gravel is in the rear right now and you can see where the movement is possible from the rear and driveway between the two buildings. This gives you an idea of what is out there now.

One of the other comments was about impervious surface and what we are doing for draining. If you take a look at the areas that are shaded here these are currently asphalt or concrete and stone. When I go back to Exhibit A-1, you will notice now I have quite a bit more green space. These are areas, specifically between the two buildings, where we are going to saw cut and remove all the asphalt from between the buildings. We are only going to have a 5' sidewalk along the commercial facility so people that park in the back can walk to the front of the building if they chose, and the remaining will then be grass. While we are adding impervious surface, we are reducing it. This green area I am showing on the western side behind the commercial facility that is all gravel right now and we are going to turn that into grass and green space.

We do have another parking area for trucks and is referred to as an oversized parking spot. We are not intending that to be for any trucks or anything like that, but wider vehicles can park there as well provide a parking spot additionally for the commercial use.

As to the Variances, on the residential, we have the side yard issues, which are highlighted in the report. We do not have any rear or front yard issues, but we have the side yard, an undersized lot and lot width issues. The location of this property line really was picked so that we do maintain separation and have equal space between the two existing buildings. There is a separation, but we are not proposing any landscaping there but the resident may choose to do landscaping as time goes on to show that physical look of separation there.

The area in the western rear part of the property behind the facilities you will notice that there are parking spaces. It almost looks like a flag lot coming off of here, but what we are doing is dedicating this as a cross access easement so that the person in the commercial facility always has access to the rear parking spaces here. What we achieved by doing this is we have taken the parking off the front of Ringwood Avenue and we've moved it to the rear. RSIS Standards for a single-family home would require two off-street parking spaces, which we have. Although we are showing this as a paved area, I understand the owner would prefer to leave it as gravel, unless the Board insists it be paved, and it also helps with impervious surface. When I did the calculation for this entire development, there is actually 94 square feet in additional impervious surface. We would submit that we really don't need any stormwater management.

We are not altering the drainage patterns and we are not changing anything at all in the front. I did want to mention we are going to close the curb off a little bit and this is not something I was too happy about, but the County is asking that we close curb cut at this small section at the eastern border almost central to the property where the proposed property line is. The County wants us to carry the curb a little further so that you couldn't physically access the residential structure. I hope to still discuss with the County and the reason being is not only grass being there, we have eliminated the driveway through there and there really is no reason for anybody to drive over that curb cut. That is brand new curbing with brand new sidewalk and I think that the reason they want that to happen is satisfied by just by the way we have done this.

We have also added, at the request of the County, multiple Do No Enter signs on Ringwood Avenue where the entrance is facing the property, but I personally thought that was somewhat ridiculous because if you drove in from Railroad Avenue because you didn't know it was a One Way out, and you wanted to exit onto Ringwood and you are getting these multiple Do Not Enter signs, your only choice is to then back-up again onto Railroad Avenue. I did consult with the County on that and they agreed to take a look at that. We want to put the Do Not Enter signs on Railroad Avenue so people don't even get on the site.

Councilman Cortellessa questioned right now people can enter from Ringwood Avenue, go out onto Railroad to get into the back. Is that what you are planning to do?

Engineer Golden answered people can enter from Ringwood Avenue. If they just wanted to go to the back, they would just turn onto Railroad Avenue.

Councilman Cortellessa questioned why would there be an entrance on Ringwood Avenue and then an exit to Railroad?

Engineer Golden answered the entrance on Ringwood Avenue is for access to the front of the commercial building, and we have one single parallel space for a car or truck.

Councilman Cortellessa commented that one of my concerns about that parking space is when you come off of Railroad Avenue to make a left-hand turn onto Ringwood Avenue that space could block the driver's view to make the turn onto Ringwood Avenue. I believe there is a safety issue if you are going to be parking right there at the end of the Railroad and Ringwood and looking down Ringwood to try and make a turn from Railroad onto Ringwood.

Engineer Golden stated I can move this space back a few feet. Normally for sight distance we go back 10' or 20' from the projection of the curb.

Councilman Cortellessa stated I would prefer it be moved back because then you can literally see down Ringwood Avenue and you don't have that safety issue.

Attorney La Sala commented that would be fine but the other reason we have that is because there is garage door here that is a parking space indoors and we want to keep that.

Attorney Veltri questioned what is the commercial use on site?

Attorney La Sala answered Steiner Industrial is a company sells products to the federal government, federal agencies and the military in particular. It was mostly warehouse with three full-time employees and one part-time employee, and one of the full-time employees is here tonight.

Mayor Mahler commented if it is a B-Zone than it could be retail.

Attorney Veltri questioned we have 4 parking spaces on the commercial side?

Engineer Golden answered correct, and 5 if you count the interior one, but 4 exterior spaces and 1 on the residential side.

Engineer Cristaldi commented the ordinance requires 10' if you have parking and it is allowed in any yard but it has to be 10' back from a property line or a right-of-way line. The front spot is probably closer than 10'.

Attorney La Sala stated yes, but we have indicated that we are willing to move that back.

Engineer Golden commented we will move that back, but I don't think it will be a full 10' since we do want to make sure we have enough room for movement.

Councilman Cortellessa commented to move it back sufficiently so that we don't have a sight issue.

Engineer Golden stated I want to the County and they were okay with it, but I am still going to move it back.

Councilman Cortellessa stated I know, but we are the ones that drive down that road.

Engineer Golden stated I will pull the line back, and go back a good 10' or so and resubmit it to Engineer Cristaldi to look at it.

Engineer Cristaldi commented that is fine.

Engineer Golden continued his testimony with so that is more or less from an engineering perspective. There really isn't a lot of engineering items here. You can see from the yellow sidewalks that we do have adequate movement and that was another request on the County's initial report that we do the sidewalk from the residence directly out to the street since that sidewalk does not exist today.

Engineer Golden testified I believe we are requiring 5 Bulk Variances for the commercial facility mainly because we have some parking issues. We do meet the requirement for parking. We have some combined side yard issues. There is no problem with the side yard here. It is not the front yard; it is being treated as the side yard so we don't have a dual front yard here. By definition the front yard is really Ringwood Avenue so we deal with Railroad Avenue as a side yard. Obviously, we don't have the latitude to move the buildings around. The buildings are existing, and we are not doing this to expand. We

really just want to separate the two and keep them as independent uses. As far as the residential structure being a somewhat non-conforming use, I can tell you now that this area really is in transition. There are still residential structures on this side of the street. Until the ordinance really goes through time and people start to convert to commercial facilities, this residence really is consistent with the neighborhood.

Regarding any of the negative criteria, I don't see any negative criteria. We are actually improving some of the circulation, we are improving the parking and correcting the problems of people backing directly out onto Ringwood Avenue. Since these structures all exist currently, we are not changing the character at all from residents or passersby's perspective. You are really not going to see any difference here or notice that there was any application in front of the Board or any change.

We have formalized the parking. We have uses now that are already existing and we really matched up well the parking with access and don't believe there is any negative impacts here. The reason why we have a multitude of Bulk Variances is mostly because of our pre-existing, non-conformities and the non-conformities that were borne of putting a physical dividing line between the two properties.

Per Engineer Cristaldi's Report, Engineer Golden revised the Zoning Table and it is marked as Exhibit A-2.

Attorney La Sala reviewed the Revised Zoning Table to be specific for Residential Use (Lot 13.01).

(a) Proposed Lot 13.01 - We would need a Lot Area Variance because 10,000 square feet is required and we have 5,649.55 more or less. Engineer Golden stated correct.

(b) Proposed Lot 13.01 - Lot Width where 80 feet is required, we will be 35 feet and therefore we need a variance. Engineer Golden stated correct.

(c) Proposed Lot 13.01 - Side Yard Setback where 10 feet and 25 feet for both is required, we will have 4.95 feet and 10.50 feet for both. Engineer Golden stated correct.

Engineer Golden commented that between the buildings is a little over 11 feet.

Attorney La Sala reviewed the Revised Zoning Table to be specific for Commercial Use (Lot 13.02).

(a) Proposed Lot 13.02 - We would need a Lot Area Variance because 10,000 is required and we have 6,709.54 more or less. Engineer Golden stated correct.

(b) Proposed Lot 13.02 - Lot Width where 80 feet is required, we will be 63.99 feet and therefore we need a variance. Engineer Golden stated correct.

(c) Proposed Lot 13.02 - Side Yard Setback where 10 feet and 25 feet for both is required, we will have 1.20 feet and 6.62 feet for both. Engineer Golden stated correct.

(d) Proposed Lot 13.02 - Rear Yard Setback where 25 feet is required, we will be 14.34. Engineer Golden stated correct.

(e) Proposed Lot 13.02 - Building Coverage where 30% is allowed, we will have 43.39%. That is simply because we are making the lots larger. Engineer Golden stated correct, and we are actually reducing the residential 16.08 so we are well under the 30% because most of the open space is being really tagged with the residential property as opposed to the commercial property.

Attorney Veltri questioned if the Applicant will be submitting a new Site Plan with the Amended Zone Table on it. Engineer Golden answered yes.

Attorney Veltri would like to take about the commercial parking because I think it is somewhat use sensitive in this town and we want to be sure that we have an understanding with the owner about the uses and future uses. If we subdivide the lot, you are not going to have any room for parking if you change the commercial use. What are the plans, if any? Attorney La Sala answered this is a situation that is in flux. Maryann Steiner was the owner of CJ's Own and Steiner Industrial and she passed away last May. Nancy is her sister and her other sister, Diane, is the Executrix of the Estate. Right now, the business is being operated by Nancy and she is presently in the process of buying out the business from the Estate.

Attorney Veltri questioned is there a lease involved or a long-term lease?

Attorney La Sala answered she never had a formal lease. She owned both CJ's and Steiner; she just used it. There will now be either a sale of this property and there is another property they own at 82 Ringwood Avenue that she might move into or they would sell 82 Ringwood, which is currently listed, and then she would remain in the commercial building on this property. We are not certain what is going to happen. We are unable to answer what the future use is going to be in the long term because it is still in flux.

Attorney Veltri commented that right now the use is more storage.

Attorney La Sala and Nancy stated warehouse and office.

Councilman Cortellessa questioned if there was any proposed use of it in the future? Is there any plan in terms of selling it as you would sell it as a different type of use?

Attorney La Sala answered we would sell it as a commercial property.

Attorney Veltri commented that the issue is this. The zone allows you different commercial uses and the parking depends on the use.

Attorney La Sala stated obviously anyone who wants to purchase the property for a significant and different use, they would need to come to the Board to get approvals for that change in use because of the parking intensity.

Attorney Veltri stated right and it would be really a self-imposed type of hardship if you ask for a subdivision tonight and then a different commercial use comes in that needs double the parking spaces that you have.

Attorney La Sala stated right, but given the layout of the property as it is, and the two buildings that exist, there is a limited amount of extra parking that can be created.

Attorney Veltri stated unless you take down the house.

Engineer Golden commented that right now the parking is perpendicular so you have more parking across the front. They have four spaces there now and that has satisfied their use so we have designated the same number but made them safer.

Attorney Veltri stated assuming he use stays the same I don't anticipate a problem, but next year a new user comes in and the parking is out of whack then we are going to have an issue.

Engineer Cristaldi commented that the offices are permitted in the B-Zone, but the warehousing isn't. Warehousing is permitted in the Industrial District.

Attorney La Sala stated when I say "warehousing", they buy and sell goods. It is their inventory that they are keeping on site temporarily.

Nancy stated it is storage as opposed to warehousing.

**Engineer Cristaldi questioned do they do any manufacturing there?
Nancy answered no.**

Councilman Cortellessa questioned when you have that particular commercial use now, what is the value of that commercial use versus a higher value of some other commercial use for that particular property which might impact the parking issues? When I look at businesses and I look at properties, I say okay here is the property today, I may want to sell it in the future and what would I sell it as; what would I propose it be sold as, which could affect the actual use variance issues and the parking issues. If you wanted to sell it, you want to maximize your return and you are going to sell it to someone who, maybe, wants to have a different use for the property.

Attorney La Sala commented what we would have to do is make sure that the purchaser is informed, because we would have an obligation to, that there are other uses in the zone, but there is a restriction on parking or limit on the use based upon the parking requirements and, therefore, if you are going to intensify the use so far as what the parking requirements would be, they would have to come before the Board in advance to seek any approvals before purchasing the property. We would have to make it a contingency of the sale.

Engineer Cristaldi believes there are 2 other variances that we forgot to mention. One is that parking spaces are supposed to be 10 x 20 and these are 9 x 18.

Attorney La Sala commented I'm not sure if that is a variance or waiver. I assumed it was a waiver.

Engineer Golden stated the residential ones would be 9 x 18. The commercial ones we could make them bigger. If you notice on the plan, I striped them with a little excess asphalt which is something I usually like to do.

Engineer Cristaldi questioned the distance of the property line, do you want a waiver or a variance?

Attorney La Sala stated my understanding is that the parking issues are waivers, but if it is a variance, we request that.

Attorney Veltri commented we can go either way on it. Your advertisement covers it both ways.

Engineer Cristaldi stated for the Resolution there will be 2 waivers.

Member Henderson questioned what is the purpose of breaking it up?

Engineer Golden answered the benefit is that you don't allow two structures and two uses on the same property, which has been like this for years. We are kind of mitigating that variance and the result is some bulk variances that theoretical exist because we are not creating them by construction, we are creating the bulk variances by separating the two uses.

Member Henderson questioned why not leave it the way it is?

Attorney La Sala answered stating Nancy lives in the home and Maryann wanted her to be able to buy that home and stay there. In order to do that effectively, she wanted to do the subdivision.

Councilman Cortellessa commented there is a financial value of doing that and there is a family value of doing that. Financial value is you would be able to sell the commercial property independently of the residential, or vice versa.

Engineer Golden stated that obviously this change and the variances we are eliminating create a stronger case than the variances we are creating so there is a gain there.

Mayor Mahler questioned how many bedrooms are in the home?

Nancy answered technically it is two bedrooms upstairs. There is a finished basement but there are no closets. There are two finished bedrooms upstairs and a main floor.

Mayor Mahler stated the previous plan there was a backyard, a place for small children to play. If you sell this in the future where is the yard for the residents use?

Attorney La Sala answered stated that was an issue that was brought up this evening when we were discussing this with Engineer Golden. The reason he designed the parking the way it is, it's so that the cars can pull into the residential parking spaces and back up and then pull out frontwards towards Railroad Avenue. He was concerned that if we had more backyard that would shrink the ability of the cars to make that turn.

Mayor Mahler questioned the parking spot that is marked "2", there is no way that is going to turn around in a k-turn. "1" possibly could.

Engineer Golden stated there is a substantial area here in the easement to make that movement. I could pull these parking spots back to have more green space so there is enough of movement. I was trying to emulate the formal parking spots that you might in a parking lot if you will. Engineer Golden, drawing on Exhibit A-1, stated the other alternative is we can two spaces here, facing north, and we would put a bend in so when folks turn around they can make that move, so that is our alternative. We debated if we wanted to show that way to begin with, and that does create more green grass space here. This plan is transition on the advantages or disadvantages of where to leave the rear property line. I believe it would be probably be prudent to change this if the Board and Engineer is comfortable and I would do a sketch of that and I think that would help satisfy having addition space there.

Mayor Mahler commented that in a normal residential lot you would back out. I am thinking you do want to provide something for the future.

Attorney La Sala commented we certainly have no problem with that. If the Board is comfortable with the backing out, there would be more grass.

Mayor Mahler stated there would be two parking spaces at the end and you would back out onto not a real busy street, Railroad Avenue.

Engineer Golden stated I am going to drop this back 5' and that would be plenty for at least two movements. If you are in the westerly parking spot, you would easily do it in one movement. If you are in the easterly parking spot, you might have to do two.

Councilman Cortellessa commented I think that makes more sense.

Engineer Cristaldi questioned would you want to leave the driveway gravel or is there some reason you want to pave it?

Engineer Golden and Attorney La Sala commented they would prefer to leave it gravel.

Engineer Cristaldi commented the only thing I'd say about the plan and the rest of the street north is in a B-Zone and that it's residential and hasn't had a chance to come around to become commercial. Now we are going backwards by sealing another nail in the coffin so to speak that there is one more residential unit there on its own lot and that will never have a chance to become Business Zone the way the plan shows. I am talking about what

Engineer Golden said about the properties north of it that there is a lot of residential and they haven't caught up yet with being Business Zone and this is going backwards.

Mayor Mahler commented that the next lot is residential, then there is a church and then a business. Really the only residential is the one next store.

Member Platt stated you have a big lot between the residential and church.

Engineer Cristaldi commented that this lot is actually conforming in size. Once you subdivide it, now you have two substandard lots and it may help them now because of financial and family reasons, but those lots are going to be there for a long time and they are substandard. You are going to have real hard time having anything fit there without all kinds of bulk variances. One is half the size of the lot it is supposed to be and the other is only 2/3 the size of the lot it should be and that is going to stay there. Also, that lot with the house on it now is never going to change into a business.

Mayor Mahler commented actually when you look at it, the house behind it, which has a pretty good size lot, looks like it was part of the same thing. The stone construction looks exactly the same.

Attorney La Sala stated they were all part of the single lot.

Engineer Cristaldi continued that through a planning perspective the way you cure this is connect the two buildings. Now there is one structure on the lot and you put the residents upstairs and the business downstairs and there is no more use variance since it would be a conforming use and conforming lot.

Engineer Golden commented the issue we have there, is the issue we have right now. We can't be expanding parking in the front so that we have this rear access, even if this becomes a small dentist office or engineer's office or someone that doesn't need a lot of parking, this is ideal for that because we don't really have any opportunity for front parking. I hear what you are saying but you would want a small business in here with rear access, which I really think this property is suited for. Independent of tearing both buildings down, this place would be difficult to have a commercial downstairs and a residential upstairs. About connecting the two buildings, there is about a 4' difference between the floors.

Engineer Cristaldi commented then it would just become a business use. You don't have the space upstairs for the residential use. You could make it a small office since some offices may only need two parking spaces.

Engineer Golden stated that someday when the owner moves, that opens their market up.

Engineer Cristaldi stated, from a zoning perspective, what you are doing is creating two substandard lots that are going to be their forever. Right now, you could put a hallway between the buildings that don't require any more parking and now you have one building and the lot is still conforming so if someone comes in later and wants to do something they have a full size lot.

Mayor Mahler commented I think we could definitely restrict the retail on this building; restrict it to its current use.

Engineer Cristaldi commented any business zone would be permitted in there.

Mayor Mahler stated right now they have four spots in the front where you can pull in and back out so the County is taking that away from them. By taking that away, it takes away the retail use of that building because now you can only have one spot in front.

Engineer Cristaldi questioned what kind of use you want in there then?

Mayor Mahler answered what are they using it for now?

Engineer Golden stated I think the point is that if you wanted to put a pizza place or something along that line, nobody is going to come to a business they have to go around the back and find their way in. The type of commercial use there now is benefiting to the property irregardless of everything we are doing there because of the limitations of the property.

Attorney Veltri commented we stipulated that use now is office/storage.

Mayor Mahler commented office/inventory/storage; no retail.

Member Spear confirmed the location of the buildings and was concerned about safety since there is a bus stop in that area.

Engineer Golden stated if anything this helps. You don't want people backing up there with people standing there. We are eliminating all those safety concerns. We are not adding any entrances and in fact we are closing some up.

Mayor Mahler questioned wasn't this property a tanning salon at one point?

Nancy answered many years ago and a karate studio.

Engineer Cristaldi commented that the three things we have talked about are (a) sliding that parking space in the front so that you get a good line of sight on Ringwood Avenue; (b) you don't have to pave the driveway in the back-it can be left as gravel; (c) and you are going to rearrange the parking for the residents in the back.

Attorney La Sala questioned do we still need a seepage pit?

Engineer Cristaldi answered no, not with the changes you made.

Mayor Mahler stated make the driveway straight in and eliminate that driveway here so there is more green space and eliminate that sidewalk in the backyard too.

Attorney Veltri questioned will you be preparing an Amended Plan with those changes?

Engineer Golden answered yes. I will submit them to your Engineer just to prove they are consistent.

Engineer Cristaldi commented agreed and plus the variances that we went over.

Mayor Mahler commented also restrict the use to office/inventory/storage, no retail.

Attorney La Sala commented I prefer no retail because I don't know what other uses are permitted and retail is the heavy one and we don't have problem with that.

Mayor Mahler stated okay, no retail.

Attorney Veltri commented no retail use permitted on the commercial lot.

Mayor Mahler: Any more questions from the Board? None

Mayor Mahler: We will open the public hearing on this application. Anyone from the public that would like make any comments, please step forward. No one came forward. We close the public hearing.

MOTION TO APPROVE CJ'S OWN, LLC APPLICATION SUBJECT TO THE CONDITIONS DISCUSSED: made by Councilman Cortellessa, seconded by Member Ryan. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan, Henderson and Leonard.

Member Slater abstained because Nancy's brother was a good friend of my son and a friend of mine and have known the family for over 30 years.

Motion Carried.

APPLICATION #PB2017-10 Brendan Murphy

Property Address: 72 Haskell Avenue (Block 463/Lot 22)

Application For Amended Site Plan

Authorized Agent: Darren J. Del Sardo, Esq.

Darren Del Sardo, Esq., appearing on behalf of the Applicant, will be having Stephen M. Coppa, testify as Applicant's Expert as an Architect, and the Applicant, Brendan Murphy. Attorney Veltri swore in both the Architect and Applicant.

Attorney Del Sardo stated that this was originally a bar when it was operated as Roar of the Crowd. The Applicant is here tonight and, if approved, he intends on putting a bar that would be called Celtic Knot. There will be some improvements to the property and we are seeking a variance to add an access ramp and the addition of a deck. There is already an existing, non-conforming use and this will be consistent with that as well.

Stephen M. Coppa testified he is a Licensed Architect in New Jersey, New York and Connecticut and am the principal of the firm Comerro Coppa, Architects, 97 Lackawanna Avenue, Totowa, New Jersey. I have testified before this Board previously. Currently, my license is in good standing.

Architect Coppa's Testimony

Architect Coppa commented, referring to Site Plan, Page SP-1, is a depiction of the existing site from a survey that was prepared by William Zimmerly. As you know, the building exists on Union Avenue and Haskell Avenue and there will be only ingress and egress will be on Haskell Avenue. There was never an approved access on Union Avenue, and we are not proposing to change that. It exists on Haskell Avenue and will remain on Haskell Avenue and, in fact, that is the address of the building.

The Applicant's Attorney referred to a variance required for a deck and a ramp. We had a previously conversation with the Building Official and certainly there was a concern over how the site was used in the past and our client and new owner is making every effort to improve it and make it comply with the ordinances and the desires of Wanaque.

What we did is we took the existing site and lined it with parking, as best we could to conform, and came up with 20 spaces. That is utilizing the property that we own. The easement to the left does not belong to us, it's unimproved and we're not intending to use it.

As the Applicant's Attorney testified already the building is existing and we are going to renovate it, interior and exterior, and the renovations will bring the building up to building standards which your building department will have complete oversight over, meeting all codes and requirements. The deck and ramp are required because there is no handicap access into the building. The entrance off of Union, which is really not an entrance, is not accessible and there is no accessible entrance from the existing site. We have created an ADA compliant ramp that will be adjacent to the outdoor deck which will allow people to come into the building and create the entrance, and that was the reason for that construction. One other site improvement we are making is site lighting. There is no lighting out there at all.

On the interior, it is basically the same layout. We have added some accessible bathrooms, which don't exist now. The entire interior has been gutted and it needs some work structurally, mechanically and electrical. The rest of it is going to operate just as it always did. It is an open space with a bar and some tables for food. There are 63 seats, which includes bar stools and tables and 3 or 4 employees. 63 total occupancy.

Councilman Cortellessa questioned if the parking was sufficient?

Engineer Cristaldi answered yes. For every 4 seats, you need 1 parking space. So if you round up the occupancy to 64, that is 16 spaces. You then need 1 space for every 2 employees and with 3 or 4 employees that is 2 more spaces for a total of 18 spaces. There are 2 handicapped spaces adjacent to the deck.

Architect Coppa commented that the deck was the easiest way to create an entrance to the place.

Attorney Veltri questioned if the spaces were going to be lined?

Architect Coppa stated they are intending to both pave and line it.

Architect Coppa further testified that we have included a trash enclosure on the east corner of the site and that will be enclosed. Probably a two yard roll-out trash container with a gate so it is enclosed. Anything that happens to the north of us or to the west of us is not under our control but, of course, we will clean up our site and pave the parking lot and add the lighting.

Engineer Cristaldi questioned where the garbage was going?

Architect Coppa answered in the upper northeast corner right on Haskell Avenue.

Engineer Cristaldi questioned if there was a resident there?

Architect Coppa answered yes, adjacent up the way; a two-family house.

Engineer Cristaldi questioned you are going to have the garbage bin right there?

Architect Coppa questioned have you been to the property? This will be an improvement, but I'm not making fun of it. We could move it in more, but it is dead space so that is where we put the roll-off and it's enclosed. There is a shed next store door it and there are some plantings there that we are not moving and I doubt it will be any more of an intrusion than what is there now.

Attorney Veltri questioned if the Applicant owned the property?

Architect Coppa answered yes.

Attorney Del Sardo answered he can testify to that.

Architect Coppa continued testifying that the main floor will be used just as it is now. It is bar with seating. All life safety alarms, fire ratings, etc. will be conformed to. There is an existing apartment on the second floor, which they are going to maintain. The apartment also has to be completely reconstructed and has been demolished right down to the studs. Councilman Cortellessa confirmed that there is an apartment on the second floor. Is it a rental or will it be used as an office?

Attorney Del Sardo answered I don't believe currently it is being rented out. I know in the past it was. They haven't thought about what their plans are for the apartment yet. Architect Coppa stated it will be cleaned up and restored to a livable condition. The exterior secondary means of egress is a wood stair that has to be reconstructed. Again, I have spoken to the Building Official at length about this and he knows what has to be done to bring this back up to code and make it safe and will be part of the permitting process through the Building Department.

Architect Coppa commented that the house was quite handsome back in the 1930's and have some pictures of it. Obviously, Union Avenue wasn't as wide as it was and it had an entrance off of Union and there have been various additions through the years; this long piece that is now part of the bar. From Union Avenue, the front elevation, again, was quite handsome until they added all these little bumps and pieces on it, but there is no intention to bring it back to what it was. There will probably be some decorative features added, some cultured stone to give it a residential look. We certainly are not going to restore the entrance on Union Avenue; it can't be done. The County Road is actually partially on our property. When we go to the County to show them this, even though it's not under their jurisdiction since the entrance is on Haskell Avenue, they'll probably still ask us to go through the review. I have spoken to Steve Edmonds about it and he is prepared to make recommendations, but we have no intention to restore that entrance off of Union Avenue. Attorney Veltri questioned did we get a letter from the County Planning Board on this matter?

Architect Coppa answered no, not yet. Make it subject to and I have already met with Steve and we know what we have to go through, but we are not going to propose an entrance off of Union Avenue.

Mayor Mahler commented that was the entrance and front door in the mid 70's.

Councilman Cortellessa questioned there is an existing liquor license?

Mr. Murphy answered yes that he is the owner.

Engineer Cristaldi questioned are you going to have the apartment upstairs?

Architect Coppa stated they are leaving it as is, but restoring it. I think the owner has to testify to the use.

Attorney Del Sardo stated of course they would like the option of keeping the apartment if they could.

Engineer Cristaldi questioned one unit and how many bedrooms?

Architect Coppa stated one unit, but it is broken up into four areas – living room, kitchen and three bedrooms. The owner will be able to testify better to this.

Engineer Cristaldi stated this would require two spaces and he has them.

Councilman Cortellessa questioned is the interior configuration the same as what the liquor license currently states? Or do you have to reapply since you are changing the interior configuration? Once you start to change the format of the interior of the bar and the eating area by either adding more space or changing the configuration, you may have to reapply for the liquor license. It is something you may want to check out. Attorney Del Sardo stated they will check it and be subject to whatever the regulations are.

Architect Coppa stated his testimony is complete.

Member Leonard questioned if there is going to be any signage?

Architect Coppa stated they would have to make application.

Engineer Cristaldi stated for now we are going to say that the signage is going to be conforming to the ordinance.

Engineer Cristaldi questioned what about the lighting? You are only adding outside lighting.

Architect Coppa stated we added the parking lot lighting because there is nothing; no lighting in the parking area. We even defined the parking area. It was not defined at all before.

Member Henderson questioned the exterior renovations you are talking about, are you proposing different finishes on the façade?

Architect Coppa answered siding, maybe some stone.

Attorney Veltri commented if you know tonight, you can put it on the record; colors, siding.

Architect Coppa answered it will be very residential in character much like what you see there now, just updated.

Mr. Murphy stated siding and some stone to make it look a lot nicer than it does now.

Architect Coppa commented that right now the intention was to bring it back to its original from as best we could.

Member Slater commented the property to the west is the old railroad right-of-way.

Architect Coppa stated it is owned by JCP&L, at least according to the survey. It is a right-of-way. The survey was just done by William Zimmerly and it is noted on our drawing. I know this right-of-way is being used by your residents; they come in and out of there. Again, we are not implying we are going to use; we are not touching it for now.

Mayor Mahler: Any more questions for the Architect? None

Attorney Del Sardo questioned if the Board had any questions of his client even though he has answered questions during the hearing?

Attorney Del Sardo questioned how many employees?

Mr. Murphy answered three.

Attorney Del Sardo questioned you are going to serve food?

Mr. Murphy answered simple bar food.

Councilman Cortellessa questioned if 3 employees were going to be sufficient?

Mr. Murphy believes it will be.

Attorney Del Sardo commented that he and his family and his partners have other bars as well. They have been in this business. They have long been established in the business. This is more of an Irish Pub to grab a burger with your cocktail choice.

Mayor Mahler questioned that the Architect referred to what you are going to do on the outside, do you want to make some comments on that?

Mr. Murphy stated I can't give specifics, but we do want some stone, make it look good, obviously new siding; something that the residents are going to like and the town will like. Mayor Mahler stated so we are going to approve the appearance and will just leave it at that.

Attorney Del Sardo commented they are going to want to attract customers so they will update the appearance.

Member Spear questioned what type of signage are you going to put up?

Mr. Murphy answered we haven't discussed exactly what we want to do for signage.

Mayor Mahler commented that if the signage conforms to the ordinance, they don't have to come back. If they do something that doesn't conform, then they have to back before the Board on the signage.

Mayor Mahler: Any other questions for the Owner? None

Mayor Mahler: We will open the public hearing on this application. Anyone from the public that would like to address the Planning Board on this Application, please step forward. No one came forward. We close the public hearing and need a Motion.

Mayor Mahler questioned are there any restrictions?

Attorney Veltri answered subject to County Planning Board Approval. Parking is going to be paved and striped in accordance with the plan and the signage and site lighting with conform to the ordinances.

MOTION TO APPROVE BRENDAN MURPHY APPLICATION SUBJECT TO THE CONDITIONS DISCUSSED: made by Member Platt, seconded by Member Ryan. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt, Spear, Ryan, Henderson, Slater and Leonard.

Motion Carried.

VOUCHERS: submitted by Steven J. Veltri, Esq. for the MRAN Haskill, LLC (Taco Bell) Application in the amount of \$1,350.

MOTION TO APPROVE VOUCHERS: made by Member Slater, seconded by Councilman Cortellessa. Voting yes were Councilman Cortellessa, Members Platt, Ryan, Slater and Leonard.

Mayor Mahler and Members Spear and Henderson abstained.

PUBLIC DISCUSSION: Let the record show no one to come forward.

RESOLUTION: #PB2017-03 “MRAN Haskill, LLC” (Taco Bell)

Attorney Veltri commented that there is one Resolution and it is on the Taco Bell Application. I circulated the Resolution to the two members who voted against the Application and I did that because we had a Motion To Approve at the last meeting. The Roll Call Vote was 2 in favor; 2 against and 1 abstention. Based upon Statute, that means the Application was Denied.

The Resolution addresses the history of the Application, a number of public hearings, witnesses and objectors that the Board heard; revised the Site Plan Application that was put forth in front of the Board; the description of the proposed building; the variances that were applied for; includes an analysis of the Members voting against the approval; and the reasons for their denial were essentially that the only ingress and egress to and from the site was from Greenwood Avenue and that without ingress or egress from Union Avenue, the Members felt that the proposed traffic pattern would create a substantial detriment to neighboring properties and they found that the benefits from the deviations of the zoning ordinances did not outweigh the detriment to the neighboring properties because of the traffic pattern and for those reasons they voted No and that is documented in the Resolution and those comments were taken directly from the Members voting against it and from the Minutes from the December Meeting.

This is the Resolution for your consideration.

MOTION TO APPROVE RESOLUTION: made by Member Platt, seconded by Member Slater. Voting yes were Members Platt, Slater and Leonard.

Mayor Mahler, Councilman Cortellessa, and Members Spear, Ryan and Henderson abstained.

Motion Carried

MOTION TO ADJOURN AT 9:35 P.M.: Motion made by Councilman Cortellessa, seconded by Member Spear and carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary