

PLANNING BOARD
BOROUGH OF WANAQUE

OCTOBER 18, 2018

REGULAR MEETING

Meeting called to order by Chairman Foulon with a salute to the flag at 8:27 P.M.

ROLL CALL: Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Charles Strobel, and David Slater

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Members Michael Ryan, Jack Crilly, Suzanne Henderson and Mary Leonard

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 January 24, 2018 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

MINUTES: from the September 20, 2018 Meeting

MOTION TO APPROVE: made by Member Slater, seconded by Vice Chairman Graceffo. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Members Platt, Strobel and Slater. Councilman Cortellessa abstained.

COMMUNICATIONS/REPORTS: None

APPLICATION STATUS REPORT: Board Engineer advised the only application is the one on the Agenda tonight.

Board Secretary advised she will be passing out new application at the end of the meeting.

NEW BUSINESS APPLICATION: Midvale Garage

Property Owner: Mangini Bros., LLC, P.O. Box 124, Wanaque

Property Address: 388 Ringwood Avenue, Wanaque, NJ 07465

New Tenant: Marc Molinaro & Mathew Skawinski

554 Ringwood Avenue, Wanaque, NJ

Marc Molinaro and Mathew Skawinski appeared before the Board.

Mr. Molinaro explained that they would be doing repairs and towing. Mechanical work on cars and trucks.

Chairman Foulon commented I understand it is the same as the previous use.

Mr. Molinaro answered yes.

Mayor Mahler questioned if this was the building next to Quick Chek?

Mr. Molinaro answered yes.

Chairman Foulon questioned if they were going to fix it up and make it look nice?

Mr. Molinaro answered yes. That is the plan.

Vice Chairman Graceffo commented that is your plan. As far as the exterior, there are certain walls that decayed out in the backside that are rotted out, there are outlets.

Mr. Molinaro commented we are going to replace the electric from the pole to the building and put in a new panel. We are going to run all exterior conduits on the inside. As far as the outside goes, we are going to chip away that loose part on the far part of the building, replace that door with a new header and that will support it and then we will fix what is left there. That is the plan.

Vice Chairman Graceffo commented the garage doors are also broken out.

Mr. Molinaro stated they are going to get replaced.

Vice Chairman Graceffo questioned you are going to take that responsibility, not the owner?

Mr. Molinaro answered yes sir.

Vice Chairman Graceffo questioned are you going to keep your auto body shop?

Mr. Molinaro answered yes. This is going to be a different business. We are calling this the Midvale Garage and Matt is going to run it and we are going to work together on it.

Vice Chairman Graceffo stated it would be nice if you could keep it neat and clean on the front of Ringwood Avenue.

Mr. Molinaro commented our idea is to put a fence up along the Quick Chek side of the building, as long as it gets approved, to hide anything that is towed in or anything that is ugly will be behind that fence. Anything to the other neighbor's side will just be stuff we are working on during the day.

Chairman Foulon: I have the approvals from all the inspectors, and the only one that is not in compliance is the fire department and it is just a matter of fire extinguishers being installed, smoke and carbon monoxide alarms and emergency lights. The fire department will re-inspect after they open.

Chairman Foulon: Entertain a Motion for Approval.

MOTION TO APPROVE NEW BUSINESS: made by Member Platt, seconded by Vice Chairman Graceffo. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel and Slater.

APPLICATION #PB2018-02 “Shayna Realty, LLC”

Property Address: 1054 Ringwood Avenue (Block 434/Lot 1)

Application For Preliminary Site Plan

Authorized Agent: A. Michael Rubin, Esq.,

1330 Hamburg Turnpike, Wayne, NJ

Thomas Donohue, P.E., Donohue Engineering, 19 Spear Road, Suite 102, Ramsey, New Jersey.

Brian Murphy Architect, LLC located 15 179 Cahill Cross Road, Suite 202, West Milford New Jersey

Dr. Richard Todd Braver

Michael Rubin, Esq., 1330 Hamburg Turnpike, Wayne, NJ, attorney for the applicant in this matter, which is a continuation of the site plan and variance application which you heard at the last meeting. There were a number of items that the Board mentioned and its Professionals mentioned that you wanted clarification and especially wanted clarification from the Police Chief of the Borough and we have taken care of all of those items. I'd like to call up Thomas Donohue, our Site Engineer, to go through his changes on the plan.

Attorney Veltri: Engineer Donohue you were sworn at the last meeting, correct?

Engineer Donohue answered yes.

Attorney Veltri questioned and you understand you are still testifying under oath tonight?

Engineer Donohue answered yes.

Attorney Rubin: Engineer Donohue please advise the Board as to what changes have been made to the plan that has now been filed with the Board and is part of this new amended application.

Engineer Donohue commented that the plans consist of 8 sheets and they were last revised 10/2/18. Engineer Donohue went over each change:

(a) At the last meeting there was a request to have the rear parking spaces changed to 10x20 stall size so the northern most row in the rear parking area were changed to 10x20. They were pushed towards Fourth Avenue. The center row was changed to 10x20 also. The southerly row of seven (7) were changed to 9x20.

(b) Applicant is installing an 8x18' shed in the southeastern corner of the parking lot adjacent to where the dumpster area is.

(c) Three (3) No Parking Signs as requested by the Police Chief that will be placed on William Place. Those are indicated on the revised plan.

- (d) The rear sidewalk, adjacent to the building was increased to 8' in width to provide space for the bollards, which would be in front of the parking spaces that are there. We are indicating eight (8) bollards in that location. I don't believe there is a standard that is required, but this is what we are indicating in front so vehicles will not damage the building or pull up and hit the building. It is a way to prevent that from happening. It is a safety issue.
- (e) On the northern side of the building, we've indicated two (2) ramp areas from the parking lot, which would access the sidewalk.
- (f) A new door has been added to the northwestern side of the north face of the building.
- (g) In the front parking area, we increased the width of the lane, the aisle way between the parking stalls, from 24' to 26' in width. This was a request from the Police Chief to have his vehicles be able to turn around and stage in that area.
- (h) We also widened the mouth of the driveway, which circulates around the building itself.
- (i) We've added the painted crosswalk in that area from the street sidewalk which will be installed to the ADA ramp.
- (j) We have added another couple of signs to the front. Under the table for the sign variance, Ringwood Avenue will have five (5) signs on that face of the building. Fourth Avenue will still have the four (4) signs as previously proposed.
- (k) With the increase in the parking space size, we went down from 63 to 61 spaces that are indicated on the revised plan. 59 are required based on the use.

Attorney Rubin questioned the Board specifically asked if you would make contact with the Chief of Police?

Engineer Donohue answered yes, I spoke with Police Chief.

Chairman Foulon commented we received a letter from the Chief saying that he is happy with the changes.

Engineer Donohue, referring to the Grading & Utility Plan, Sheet 4 of 8, there was a request to have the water service connection to Fourth Avenue. That is indicated on the revised plan now and that connection will take place on Fourth Avenue. Also the existing services to the building will be cut and capped at the existing valves.

Engineer Donohue commented more or less that is the changes that took place on the revised site plan and we can have the Architect discuss any other changes.

Attorney Rubin questioned you have been able to change what items have been asked for by Engineer Cristaldi and the Chief of Police?

Engineer Donohue answered yes.

Attorney Rubin stated you were also working on some changes that the Passaic County Planning Board had asked for. Have you been able to take care of those changes that the Board had asked for?

Engineer Donohue answered yes. We've made changes as per their request. They have reviewed those changes and there was letter prepared stating that they have accepted the changes and it is to be scheduled for the next hearing.

Attorney Rubin questioned so there is nothing further that you need to do for the County of Passaic?

Engineer Donohue answered no.

Attorney Rubin commented we will have a letter from the County after their next regular meeting when they go through those changes and vote on it. That is their procedure. I believe those are all the issues that we were asked to move on from the last meeting.

Chairman Foulon questioned, on the south side of the building, the roadway there, did you go to 14' on that?

Engineer Donohue answered no, we are at 12'.

Chairman Foulon commented that the Police Chief requested 14'.

Engineer Donohue stated he did not request 14'.

Chairman Foulon commented and we said it too.

Member Slater commented there was discussion about it. The discussion started at 15' and your man said you work in increments of 2'.

Chairman Foulon commented I have a letter here from the Chief stating that widening it from 12' to 14' and placing No Parking signs on William Street.

Engineer Donohue stated the discussion that I had with the Police Chief was the widening of the front area and for him to access to parked vehicles.

Attorney Veltri commented I think we talked about the widening at the last meeting, the Board, and then he picked that up in his letter.

Attorney Rubin questioned, from your conversation with the Chief, was he satisfied with what was discussed?

Chairman Foulon stated no, he wasn't.

Attorney Rubin stated I am asking this witness.

Attorney Veltri questioned when did you have the conversation because we have an October 9th letter from him?

Engineer Donohue answered I had the conversation the day after the meeting.

Attorney Veltri stated we met September 20th. Regardless of what the Police said, the Board wanted that and we were directly our conversations to Architect Murphy at that time based upon the Minutes; on page 20 of the Minutes.

Attorney Veltri questioned can you widen that?

Attorney Rubin commented I was going to ask the same question. Will that mean site redesigning the building?

Engineer Donohue answered we have a sidewalk on the southerly side of the building and we would have to increase that driveway. We were going with the standard of the town which was 12'; that's the drive aisle is 12'. That is what we maintained. If it needs to be,

then we can increase that to 14'. Again, I don't see the need for it for one-way traffic going through there. I believe the town standard is 12'.

Attorney Rubin questioned is it your testimony and your professional opinion emergency vehicles can get through a driveway of 12' wide? That is the whole issue, emergency vehicles, fire apparatus, ambulances, and such.

Engineer Donohue commented a fire apparatus is not going to get through there. It is not going to circulate. As I spoke with the Police Chief, he would stage either on the street or behind the building where he would be able to get into that area. He was okay with staging anything that he would have to pull into a larger vehicle behind the building in this traffic aisle way.

Member Platt commented that there is no need for the Fire Department to be able to circle that building. The building is sprinklered and we would fight it at Arrow's parking lot.

Attorney Veltri commented, just so you know where we're coming from, and it wasn't you testifying, it was the Architect. We clearly discussed this issue at the last meeting and it was agreed that it was going to be widened to 14'. Mike suggested possibly 15' and it was commented that it doesn't work that way in terms of the widening and it was agreed, on page 22 of the Minutes, 14' and that is why we are bringing it up. Regardless of what your conversation was with the Police Chief, this Board requested and I thought the Applicant agreed to widen it to 14'.

Chairman Foulon commented according to the Minutes Architect Murphy said yes. Architect Murphy commented that after Engineer Donohue spoke to the Chief of Police, the day after the meeting, and the Chief of Police was okay with the design as it was. Chairman Foulon commented not it wasn't, because his letter to the Board clearly states 12' to 14'.

Architect Murphy commented my understanding became that he was okay with the 12' and that was the reason that we did not reduce the building by 2'.

Chairman Foulon commented not what he wanted; we told you 14' and you agreed to it here.

Attorney Veltri commented we didn't way subject to him agreeing. This Board said we wanted it widened and the Applicant agreed to make it 14'.

Chairman Foulon commented we asked for 15' and you came back to us that we can only do 2' increments.

Architect Murphy commented I remember the conversation and I am not denying the conversation in any way, shape or form. I am just telling you the course of events that lead to where we are today. It was my understanding from Engineer Donohue's conversation with the Chief of Police that 12' was okay and it was that reason, and for that purpose, that a 2' reduction of the building was not made.

Attorney Rubin questioned, from a safety view point, is there a difference between 12' and 14' as far as emergency vehicles and safety to this building or to the residents of the community? Is there a danger in doing it the way it is proposed?

Architect Murphy answered, in my opinion, it is not dangerous.

Attorney Rubin questioned is there a detriment to the community, to the neighbors or to anyone in the event that 12' was established for this drive lane?

Architect Murphy answered no. 12' is the standard and there is additional space between the 12' aisle and the building as well which is the sidewalk.

Attorney Veltri commented, just for the record Architect Murphy, and we drew you into this, it is our fault, you understand that you were sworn in at the last meeting and you're testifying today under oath, correct?

Architect Murphy answered yes.

Attorney Rubin commented perhaps Engineer Donohue can also weigh in on it because this is really a site issue, rather than a building issue. Can you make comment as to answering the same question I posed as to the site plan issue of the size of the driveway aisle?

Engineer Donohue answered I believe the standard that the town has is 12' for a one-way aisle way and that is what was shown on the plans from the beginning.

Chairman Foulon questioned but we are going to go 14' as agreed, correct?

Engineer Donohue answered if there is a need to go to 14' then we would have to make that change.

Attorney Veltri commented that was agreed to at the last meeting in front of this Board. I don't want the record to reflect that we are now going to back on what we thought was agreed to. That is what we agreed to here at the last meeting based upon the Minutes and our recollection.

Architect Murphy questioned did the Police Chief required us to do that?

Vice Chairman Graceffo answered the Board requested that of you at the last meeting.

Chairman Foulon commented and you agreed to it.

Attorney Veltri commented and, just so it's clear, based upon the writing from the Police Chief to the Board on October 9th, he assumed that it was going to be widened to 14'.

Attorney Rubin commented we don't know that.

Attorney Veltri commented we have a report that we can show you.

Attorney Rubin commented I have a copy of the Minutes, which we all have.

Attorney Veltri commented look at page 22.

Attorney Rubin commented I'm reading that and that's not exactly what it says.

"Architect Murphy stated yes. We need to find out how wide the Chief of Police would like the aisle for him to consider it safe, and then we can adjust accordingly from there." So I guess that is it.

Attorney Veltri commented I'm reading a little further down. "Chairman Foulon stated we are going to go from 12' to 14'. You are comfortable with that?"

Architect Murphy answered yes."

Attorney Rubin commented it doesn't say exactly that the Architect was going to revise the plan.

Attorney Veltri commented that is why we need to come back again for a Final Site Plan.

Architect Murphy commented I also remember I asked the client because I would never take 2' off a building without the client's permission first.

Attorney Veltri commented, just so you know, before page 22, there were two other pages of dialogue. This wasn't a passing comment. This was fully discussed and we thought agreed to at the last meeting.

Attorney Rubin commented the only way to do this, I assume, is to take 2' off of the building. I don't know how that would leave a marketable building, but I leave that in the hands of our Architect and Owner.

Member Slater questioned do you need 17' between the curb and the parking spaces on the north side?

Engineer Donohue answered yes you do for vehicles to back-up and I believe that's your standard also is on a one-way drive aisle you need 17' behind it.

Attorney Rubin, questioning Architect Murphy, does that do anything to the building that we are trying to rent for commercial purposes? What is the outcome?

Architect Murphy answered as you can see there is a jog in the building so I would expect that the 2' would be coming out of the widest portion of the building if that's the direction that we decide to go. I wasn't trying to pull any fast one or anything like that as you read the Minutes, I did have conversations and it was on record about making sure we did what the Police Chief needed and was comfortable with and I'm not sure why it didn't have record of me asking the client if it was okay because I know that I did that and I wouldn't take 2' off a building without getting permission from the client first. If we were taking 2' off, I would recommend that it be out of the bumped-out section on that side so we would reduce square footage and, therefore, would reduce some necessary parking which we are already over the parking count that is needed.

Attorney Rubin questioned would that incur a parking variance?

Architect Murphy answered not.

Attorney Rubin questioned we are still okay with the requirements of the borough as to the parking count?

Architect Murphy answered yes.

Attorney Rubin commented well that is the direction Chairman Foulon that you would like. You seem to be very concerned about that and it'll make everybody happy.

Chairman Foulon stated yes.

Vice Chairman Graceffo commented another approach would be to follow what our Planner had suggested in turning the building and putting the parking in the back and moving the building to Ringwood Avenue. I still think is a good idea because it would give the building more face appeal from the main road, which you can't enter on anyway and your main entrance is going to be on Fourth Avenue. You wouldn't have the difficulty of the roadways and that sharp angular parking. This is just a note in terms of what our Planner suggested at the last meeting.

Attorney Rubin commented I recall you agree with that concept.

Vice Chairman Graceffo stated I do, yes. We are creating a building on an island rather than a building on a plot.

Member Slater commented, in defense of your narrow driveway, the Haskell Town Centre and I don't know the exact width on it, the side of the building is right at the curb line and that seems to be working. There is no sidewalk, just curb and building wall.

Mayor Mahler commented I think that is wider than 12' because I've seen a car parked there unloading and someone else driving passed it.

Architect Murphy stated you can do that we 12'. Most cars are only 6' wide, minus the mirrors.

Mayor Mahler commented I think it is wider than 12' because I was unloading something and a car passed and there was plenty of room, so it has to be more than 12'. I measured our driveway out here which is actually 16'.

Attorney Rubin commented if it is the will of the Board that we make that change, we would obviously have to come back and show that to you.

Attorney Veltri commented we are here on a preliminary, so I think we can make that a condition of approval so that you don't need to keep coming back for a preliminary.

Attorney Rubin questioned, with a commercial site plan, does the final require a hearing or is that administrative?

Chairman Foulon answered it is a hearing.

Member Strobel questioned how wide is the sidewalk?

Engineer Donohue answered 3'.

Architect Murphy mentioned that if I do take the 2' off, we are going to have a straight wall on that whole side and we are going to have to re-work some of the architecture there. It's going to be a little less interesting, if you will, because that jog gives the building some relief. A very long straight wall is boring.

Vice Chairman Graceffo commented at the last meeting I thought the building was very uniquely designed and very interesting and appealing. I wouldn't want to see that changed. I think the building is a very attractive building.

Architect Murphy commented thank you. I can take 1' and still keep that relief and have a 1' jog and that could be a compromise.

Mayor Mahler questioned how necessary is that sidewalk?

Mayor Mahler commented that, even with a service entrance, the Pepsi guy is going to pull around the building, park in front.

Architect Murphy stated he is supposed to park in the loading/unloading zone.

Mayor Mahler commented yes, but what he is really going to do is park in the front and go through that door. They are going to get as close to the front door as possible.

Many different discussions were being held with regard to suitable changes to the building and/or site in order to make the aisle 12' to 14'.

Member Strobel questioned at the last meeting you were talking about increments of 2', does that also include the sidewalk? Could you eliminate the sidewalk?

Architect Murphy answered once you get down below 3' it is not really a sidewalk, it is just a curb. Yes, you could do that. From a value engineering standpoint, a curb or a sidewalk is nothing compared to the whole building.

Member Strobel commented, keeping the same structure of the building, maybe eliminate the sidewalk and keep the building the way you want it. Just on the backside.

Engineer Donohue commented if it is 3' now and you go down to 1' or 1-1/2' that would be some separation with the curb, which I would prefer to have a separation not a line striping on the pavement.

Mayor Mahler questioned is it really necessary to have a sidewalk on that side of the building?

Engineer Donohue answered the only purpose of that was for deliveries. Because we have our loading/unloading space in the back, deliveries would come up that sidewalk along the

southerly side of the building and then in. With less than 3', they would have to wheel the deliveries along the driveway itself and then up a ramp.

Mayor Mahler commented that in reality the deliveries are going to be made at the front door.

Engineer Donohue commented we have a space for the deliveries.

Architect Murphy commented if what you are proposing is feasible, the answer is yes.

Member Strobel commented it doesn't take away from your building.

Architect Murphy commented correct.

Engineer Donohue commented we could increase that and just remove or reduce the size of that sidewalk area, and we won't call it a sidewalk any more, it'll be a curb with probably concrete there anyway to provide some stability.

Vice Chairman Graceffo questioned you are suggesting removing that sidewalk from the side of the building?

Engineer Donohue answered it won't be considered a sidewalk once it goes below 3'.

Chairman Foulon commented, personally I don't care how you do it, just give us 14'.

Attorney Rubin commented, using Attorney Veltri's suggestion so we don't have to make two trips instead of one, I would respectfully ask that the Board allow us to move forward tonight with a preliminary approval with a condition that the drive aisle on the southerly side of the building be no less than 14' in width and we will come up with a design that makes that happen.

Chairman Foulon commented that is our intention.

Attorney Rubin commented so however we can do it, we'll do it. If it means a sidewalk, a curb, a smaller building, whatever it is, we will come with that, if you will allow us to move forward with the preliminary approval.

Chairman Foulon commented okay.

Chairman Foulon: Engineer Cristaldi have you been satisfied with all your questions?

Engineer Cristaldi answered there is an existing curb cut there that is going to get removed, right? Maybe show it on the plan. The curb cut on Fourth Avenue. Sometimes what happens is they leave that curb cut there and people come down the street and the old curb cut that used to go into the property is still there, but there is no way to get into the property anymore. Are you going to replace that with a full sized curb?

Engineer Donohue answered yes, all existing curb cuts on Fourth Avenue will be removed and a new driveway will be constructed. There are two notes on the plan and there is another one that will be replaced towards the intersection with Ringwood Avenue.

Engineer Cristaldi also commented that there was some discussion about the sewers whether they went out to Fourth Avenue or Ringwood Avenue. Did we ever figure out which way the sewer went?

Engineer Donohue answered my understanding is that the sewer is only in Ringwood Avenue and that is where we are proposing to connect to.

Engineer Cristaldi questioned are you going to have to redo the sewer out into Ringwood Avenue, excavate it to Ringwood Avenue, are you going to check the size of it?

Engineer Donohue answered during construction, if the contractor can locate that and, if it is adequate for this building, I am sure they would rather tie into that, if that is possible.

Engineer Cristaldi questioned what about the dedication of William Place and Third? Remember we had some discussion about whether or not you really own up to those gates or is that Arrow's property.

Attorney Rubin answered it shows on our survey. We filed a signed and sealed survey over the last few weeks so the Board should have that.

Attorney Veltri commented we do have it.

Chairman Foulon commented also the County looked at your retention and want you to go from 1" to 6".

Engineer Donohue commented yes. What the County is asking for is should the infiltration system begin to fail and start filling up with water, they want the water to actually to fill up, if it continues to rain, fill up into the parking lot before it overflows out to Ringwood Avenue. Therefore, the owner would know that there is an issue with the infiltration system because the parking lot would flood. Before we had 1-1/2", more or less a drop curb to have that indication, they wanted a full 6". We have revised and submitted the plans to them and they were satisfied with that.

Engineer Cristaldi questioned you show the gate on Third Avenue and who that as property belonging to Arrow, but do you show the gate that is on William Place? I don't see the gate on William Place shown on the survey.

Engineer Donohue answered there's an indication with the word "gate" at the end of William Place, which is on a fence. That's beyond this property.

Engineer Cristaldi commented William Place all the way towards the back of the bank property is Arrow's property.

Engineer Donohue answered that is correct.

Attorney Rubin commented we have omitted one thing. Architect Murphy can you just show the rendering that was drawn for these proceedings so the Board would know this a rendering of Wanaque Corner and showing the signage as being proposed. If the Board needs this for its records, perhaps we can send in a facsimile of it so you can have it in the file.

Attorney Veltri questioned is the Applicant saying that will be the style and color of the building?

Attorney Rubin answered yes.

Vice Chairman Graceffo questioned the rendering will be exactly the appearance of the building, including the awnings and lighting and everything else you are showing?

Architect Murphy answered with the revision, yes.

Attorney Rubin commented the color may be off a bit.

Vice Chairman Graceffo questioned the bottom will be constructed in brick or is that stucco?

Attorney Rubin answered the Owner is with us this evening and please step up. You have been sworn before and continue to be sworn.

Dr. Braver stated he will not put stucco on the bottom of the building; it gets ruin. That is why drew it like that. There is no stucco on the bottom. It will either be brick or cement, but not stucco. I am not sure of the exact color of the awnings but that will be for the designer to pick out, but it will be similar to that.

Architect Murphy commented in the last meeting's testimony I mentioned a monumental block or stone for the base coming up to a bullnose and then transitioning into the brick. That was the ideal.

Dr. Braver commented the only other thing I may put a sign on the building that says "Wanaque Corner" on it. That may be an additional sign if that is okay with the Board just to indicate what the building is.

Attorney Veltri commented that we can address this issue at the final site plan.

Attorney Rubin questioned Architect Murphy that you can send a small version of that (building rendering) to the Board Secretary so they have a record of that.

Attorney Veltri commented the one thing that we need to address tonight, so that we are clear when you come back, we have usable square footage of 11,484 square feet. The parking situation was calculated was retain space 3,072 square feet and office space 8,412 square feet, which is fine, but I think those are the figures on the site plan. When we look at the architectural plan, we really can't tell that you're designating certain space on the first floor to office, and the testimony was a little unclear at the last hearing what the tenants would be and what the uses would be. I want to clarify tonight that, if we grant preliminary, we are granting preliminary on retail space of 3,072 square feet. If you come back at the time of final and you tell us there is going to be more retail than that on the first floor, that could trigger a parking variance, but I am not saying it will since I haven't done the calculations. If the formulas are different, we are going to have to address that at that time. The reason I am making the statement is I want to be clear that the retail space that you are asking the Board to consider is 3,072 square feet – nothing more than that.

Architect Murphy commented at the current time that is exactly what we have. The front two spaces as retail.

Attorney Veltri commented that is all we are going to approve. If you come back, or at a future time you say that you want to make the whole first floor retail, you are going to have to come back to this Board. I just want to make it clear because the plans are a "little fuzzy". They don't say retail and office, but that's the way you chose to split it when presently the parking situation.

Member Slater questioned if a restaurant falls into retail?

Architect Murphy answered a restaurant would be an A-2 Use. Retail is considered an M, which is Mercantile Use. The code does use retail as a Use Group.

Attorney Veltri commented we are going with your calculations and what we think the site plan is presently to us. We just don't want to have confusion if the rental space leads you to more retail then you are telling us you are planning to do.

Architect Murphy questioned Dr. Braver if he understood.

Dr. Braver commented we are obviously looking for retail but I am looking at the overall building size.

Attorney Veltri commented you need to discuss that with your professionals because the criteria for parking for retail is different than office.

Engineer Cristaldi commented I would have to look at the definition of restaurant but that may be related to the number of tables.

Chairman Foulon commented it is.

Architect Murphy commented it is the number of seats.

Attorney Veltri commented it will be a different calculation and then we have to look back at the parking. Again, I don't want to make it harder or confuse you, but you have given us some criteria and the Board is voting on the criteria that we think you are giving us. Dr. Braver being that we have two (2) additional spaces above what we need because it is a little tight.

Attorney Veltri commented we would just need to recalculate it at some point that is all we are saying.

Architect Murphy commented you would probably want to speak to a tenant, if there was a tenant anyhow.

Attorney Rubin commented we may not have it at that time, until there is a build out.

Chairman Foulon commented yes, but if you get a tenant that needs a little bigger area and you go into some of that office space we would just have to know about it and, if we have to, worst case scenario we would have to grant a variance for the parking.

Architect Murphy commented the one last thing I want to make sure was entered is Sheet A-5 is new. Last time we had four (4) pages and A-5 has a Floor Plan, Exterior Elevations of the proposed Maintenance Shed that Engineer Donohue was speaking about earlier. It will just be a small shed with a brick exterior and a shingled hip roof.

Chairman Foulon: Any other questions? I will entertain a Motion to open the hearing to the public.

MOTION TO OPEN HEARING TO THE PUBLIC: made by Mayor Mahler, seconded by Member Slater. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel and Slater.

Chairman Foulon: At this time we would like to ask anybody in the audience wishing to address the Planning Board on this Application only, please step forward and state your name and address. Let it be noted that no one stepped forward.

MOTION TO CLOSE HEARING TO THE PUBLIC: made by Member Slater, seconded by Vice Chairman Graceffo. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel and Slater.

Vice Chairman Graceffo would like to go back to the Maintenance Shed again because that was not on the plan last meeting. Was it not?

Architect Murphy answered no it was not.

Vice Chairman Graceffo questioned is that set within the right setbacks for the side yard and rear yard?

Architect Murphy commented it is shown on the site plan and Engineer Donohue mentioned it earlier.

Vice Chairman Graceffo commented it has to be checked out am I right Engineer Cristaldi? That is going to be a regular building; it's not going to be just a fenced area for the dumpsters. You are planning to have a complete constructed building the size of 8x12.

Architect Murphy answered yes. It is a Maintenance Shed for things like a ladder or a lawn mower.

Vice Chairman Graceffo questioned it's not where your dumpsters may go?

Architect Murphy answered no. The dumpsters will be in front of it.

Vice Chairman Graceffo questioned in front of that shed area?

Architect Murphy answered it will be buffer the dumpsters on the rear side.

Engineer Cristaldi questioned how many feet was it from the property line?

Engineer Donohue answered it is 5' from the rear property line and about 12' from the southerly side yard.

Engineer Cristaldi commented that might make it. I have to double check the ordinance.

Attorney Veltri commented give us time to look at this and put it on the final agenda rather than approving it tonight. Does that make sense Attorney Rubin?

Attorney Rubin answered that is fine. We will get it on the final.

Engineer Cristaldi commented that would be fine.

Attorney Veltri stated when you come back for the final, we'll certainly look at the shed and consider and whatever variances, if any, it triggers, we'll deal with it at that time. I don't think we discussed the shed at all last time.

Chairman Foulon stated no. If variances are required for that, you will have to advertise for that.

Attorney Rubin stated if necessary, we will, but we'll both check it. The rules of residential sheds have just been changed, but commercial I don't know if it has changed at all so there would be a question.

Attorney Veltri commented, to be clear for the record, the Motion is going to be to Approve a Preliminary Site Plan for the Building, Not Including the Shed.

Attorney Rubin stated, if necessary, I may have to ask for a variance for that time and give notice.

Chairman Foulon: Do I have a Motion - made by Member Slater, seconded by Councilman Cortellessa.

Attorney Veltri read the following Approval into the Record:

MOTION TO GRANT PRELIMINARY SITE PLAN APPROVAL TO THE APPLICANT. The property is Lot 1, Block 434, 1054 Ringwood Avenue, and the Applicant is Shayna Realty, LLC.

APPROVAL is to demolish the existing one-story bank building and construct a new two-story building having total net floor space of 11,484 square feet. This Approval does not include the Shed on the Site Plan. The Approval is made in accordance with a Site Plan prepared by Donohue Engineering, LLC dated April 25, 2018 and revised through October 2, 2018 consisting of eight (8) pages, and Architectural Plans prepared by Brian Murphy, Architect LLC dated August 6, 2017 and revised through October 1, 2018 consisting of five (5) pages.

The Building will consist of 11,484 square feet. That space is going to be broken down to Retail Space of 3,072 square feet and Office Space of 8,412 square feet. There will be a Basement but, at this point, there will be no occupants in the Basement. Nothing has been presented to the Board about that, and nothing is being approved.

The Building will have an Elevator.

It will have 62 parking spaces on site.

The Approval is being granted subject to the following conditions:

- 1. The drive aisle on the southerly side of the building will be widened from 12' to 14'.**
- 2. The Applicant will remove the curb cut on Fourth Avenue.**
- 3. The Applicant will comply with all the conditions set forth in Richard A. Alaimo Engineering Associates' report dated September 20, 2018.**
- 4. Subject to approval from the Passaic County Planning Board and compliance with the conditions in their letter dated September 14, 2018.**
- 5. Subject to compliance with Hudson Essex Passaic Soil Conservation Approval.**

We are granting six (6) Variances as part of the Preliminary Site Plan Approval. The Variances are:

- 1. Parking space to street right-of-way 2.5' is proposed and 10' is required.**
- 2. Drive aisle to property line where 0' is proposed and 10' is required.**
- 3. Driveway curb cut closer than 50' to an intersection where 30' is proposed and 50' is required.**
- 4. One (1) curb cut for each 200' of road frontage where two (2) curb cuts are proposed and, again, there is only one (1) maximum allowed.**
- 5. Sign Variance – Bottom of the existing sign display is 3' from the ground where 10' is required.**
- 6. Sign Variance - Applicant is proposing five (5) signs facing Ringwood Avenue and four (4) signs facing Ringwood Avenue. Ordinance says one (1) sign is permitted per side of building facing street**

Granting those Variances based upon a flexible C Analysis, we looked at the requests and the Board did not find any detriments. We think the Building advances the purposes of the Municipal Land Use Act and we think that the benefits outweigh the detriments and that is why the Board is considering granting the Variances.

For Final Site Plan Approval, we are going to investigate whether William Place is, in fact, a public roadway. The Survey suggests it is, but we'll do further investigation on that issue, and we will deal with the Maintenance Shed Issue.

Engineer Cristaldi added Approval is subject to the Wanaque Water & Sewer Departments' requirements/approval.

Attorney Veltri: Any other conditions the Board would like to add, please feel free? None

MOTION TO GRANT PRELIMINARY SITE APPROVAL SUBJECT TO LISTED CONDITIONS: made by Member Slater, seconded by Councilman Cortellessa. Voting yes were Chairman Foulon, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel and Slater. Vice Chairman Graceffo voted no. Motion Carried.

Attorney Rubin: After filing the Final, we will work out a hearing date with the Secretary. We will also have to do a little research on the Maintenance Shed to see if it requires an additional variance or note.

PUBLIC DISCUSSION: Let the record show no one came forward.

RESOLUTION: None

VOUCHERS: submitted by Steven J. Veltri, Esq. for attendance at September 20, 2018 and October 18, 2018 Meetings for \$600.

MOTION TO APPROVE VOUCHER: made by Member Platt, seconded by Vice Chairman Graceffo. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel and Slater.

MOTION TO ADJOURN AT 9:30 P.M.: made by Member Slater, seconded by Vice Chairman Graceffo. Motion carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary