

PLANNING BOARD
BOROUGH OF WANAQUE

SEPTEMBER 20, 2018

REGULAR MEETING

Meeting called to order by Chairman Foulon with a salute to the flag at 8:05 P.M.

Mayor Mahler swore in New Member Charles Strobel

ROLL CALL: Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Mayor Daniel Mahler, Members Kevin Platt, Charles Strobel, Jack Crilly, Suzanne Henderson, David Slater and Mary Leonard

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Councilman Dominick Cortellessa and Member Michael Ryan

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 March 15, 2018 Meeting

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

Chairman Foulon: Before we go any further I just wanted to say we lost a Member of the Planning Board, Dale Spear, since our last meeting, and I just want to ask for a Moment of Silence, and thank him for his service to the community.

COMMUNICATIONS/REPORTS: Vice Chairman Graceffo question on the Celtic Knot, so they now they have the site plan reports and approvals, does that mean they will be able to move ahead on their project? Mayor Mahler advised the Board approved it subject to the County. Since the owner was also a Freeholder of Passaic County, they sent the matter to the Morris County. Also since June 30th passed, they have to go back to the State because it is a Pocket License and they have to get that renewed. Board Secretary advised the Board that Mr. Duffy came in at the beginning of the week and picked up a permit package. Mayor Mahler stated he spoke to Mr. Murphy and they had just gotten approval from the State and are working on it. Chairman Foulon hopes they start construction soon. The project is ongoing.

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

NEW BUSINESS APPLICATION: Ringwood School of Music

Property Owner: Feiler Realty of Wanaque LLC

Property Address: 99 Conklintown Road, Wanaque, NJ 07465

New Tenant: Michael & Elizabeth Nosal, 19 Forest Road, Ringwood, NJ 07456

Michael Nosal, 19 Forest Road, Ringwood, New Jersey.

Chairman Foulon commented it is pretty self-explanatory what you want to do there. You are going to start out with piano lessons I believe?

Mr. Nosal answered correct.

Vice Chairman Graceffo questioned if the owner of the property is here?

Ken Feiler is the owner and in attendance.

Vice Chairman Graceffo questioned is that a professional building completely?

Dr. Feiler answered it is a mixed-use building.

Vice Chairman Graceffo questioned what is in there?

Dr. Feiler answered apartments and a dental office and hopefully the music school.

Vice Chairman Graceffo questioned is that the only open space you have presently?

Dr. Feiler answered essentially. Half of that floor has additional space that we use for storage. That was originally a pediatric office.

Vice Chairman Graceffo commented I was just curious. I wasn't sure that it was zoned for both mixed-use in terms of housing and office space.

Chairman Foulon commented what is there has been there since we've been in town.

Dr. Feiler commented, to my knowledge, it has been a mixed-use since it was built by Jack Lefkowitz in the early 70s. I purchased the building over a decade ago and that's the way it was when I got it.

Chairman Foulon: Any other questions? I would like to entertain a Motion for Approval. All the reports are in and all the reports are satisfactory.

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

APPLICATION #PB2018-02 “Shayna Realty, LLC”

**Property Address: 1054 Ringwood Avenue (Block 434/Lot 1)
Application For Preliminary & Final Site Plan
Authorized Agent: A. Michael Rubin, Esq.,
1330 Hamburg Turnpike, Wayne, NJ**

Chairman Foulon commented that this is an application for Preliminary & Final Site Plan Approval, which will not happen.

Attorney Rubin represents the applicant and owner of the property located at 1054 Ringwood Avenue, Haskell, NJ. Before we get into the substance of the application, I really have to put on the record the recusal of Member Mike Ryan, who is an active client of our office and is involved, no longer with the Board of Adjustment because they have rendered their Resolution for his application, but there are ongoing legal matters before the court as to him being able to move forward.

Attorney Veltri commented we acknowledge the conflict. Mr. Ryan obviously is not here and we will move forward with an Alternate in his place. He will not serve on the application or vote on the application.

Attorney Rubin stated there is a second issue that I want to bring before the Board which, in my professional opinion, is not a conflict, but I feel it should be before the Board and put on the record. We do actively represent a Taco Bell application on Union Avenue in the Borough. The property that is the subject of that application is the Mayor’s and, in my view, it is not a conflict but it should be put the on the record.

Chairman Foulon stated well noted but I might remind you that we have no Taco Bell application.

Attorney Rubin stated the new application exists since I was just before the County Planning Board last week, and they have paid a retainer.

Attorney Veltri commented I appreciate you putting that on the record. I also do not think it is a conflict. Does anyone on the Boar have an objection to the Mayor hearing this application in light of that information? I think the Mayor would like to remain on this application as a Board Member.

Attorney Veltri put on the record that I have reviewed the certified mailings and the publication and they are in order and we can move forward on this application. The only other thing I want to note is that I noticed your application was for Preliminary & Final Site Plan approval and I think the Chairman commented on it at the top of the application that this Board has routinely not approved preliminary and final site plan in the same application.

Attorney Rubin commented we will move forward and see where it goes because there are some bulk variances that have to be considered as part of the application.

Attorney Rubin would like to present the owner of the site so you can hear what his vision is of the site.

Attorney Veltri swore in Richard Todd Braver.

Chairman Foulon questioned if the taxes were current on the property?

Dr. Braver answered as far as I know. We've been paying taxes quarterly, and the sewer bill. I have owned the property for approximately 6 years and this is the first time I am actively seeking to develop the property.

Attorney Rubin: Please advise the Board what has happened over these 6 years that brings you to the Board this evening.

Dr. Braver answered I had an office for years in Wanaque Town Center. I am a podiatrist and I would look at that spot where the Lakeland Bank was and when it was for sale and inquired about it. I thought it would be a great spot to put an office and also a great spot to have some retail space there. I hired real estate people and nothing ever developed out of it and then I hired a second real estate agency, ERA Realty, and they tried to get people to come in. What I've been told is people want to see an actual building before they go into it in that area. I am hoping to get my own office up on the second floor and then have retail in the front, which is very important because of the cost of building so prohibitive these days we have to put something other than office space in. Office space will be good for my use and maybe someone else on the second floor, but the bottom floor needs retail. It is a wonderful site and I think the town is on an upswing. The car count we did is amazing here and I think it will fit right into the neighborhood so I am hoping to get your approval with guidance of my experts.

Attorney Rubin questioned your vision is to demolish the existing building and put in a new modern code compliant building which will have some form of retail on the first floor, be it a coffee shop, restaurant, etc. as the market would prevail, with offices on the second floor. This is your vision as far as this application.

Dr. Braver answered correct. Yes we've just gone back and actually widened the sidewalk in front hoping to get a coffee shop or something like that in front in the retail area so people could sit outside seasonally, but we are trying to make it more appealing to get someone to obviously rent it.

Chairman Foulon questioned would there be one retail store on the lower level?

Dr. Braver answered we're thinking about two.

Member Henderson questioned, besides a coffee shop, is there anything else you have in mind for retail?

Dr. Braver answered something that fits into the area. I'm not sure what it would be. There have been different suggestions, but no one has come forth so far. We have interested in another coffee shop/deli.

Member Henderson questioned what about a restaurant?

Dr. Braver answered a restaurant would be nice also. That is why we actually went back and did the plans recently to make a bigger front for the bigger sidewalk hoping to entice.

Member Leonard questioned do you have enough parking?

Attorney Rubin answered we are code compliant.

Mayor Mahler questioned if his business we going to be on the entire second floor?

Dr. Braver answered probably maybe half of the second floor. I wish my business was that big since it is about 6000 square feet on the top floor.

Fred Suljic, Consultant Planner for the Board.

Is there just two retail on the first floor?

Dr. Braver answered that is the way we have it marked out now.

Chairman Foulon questioned there will be a maximum of two?

Dr. Braver answered there will be two retail in the front, and in the back is another spot which Attorney Rubin can elaborate more on.

Mayor Mahler commented there are three spaces marked on the first floor.

Dr. Braver stated correct.

Planner Suljic stated I kind of thought it would be two retail in the front and an maybe office all the way in the back.

Dr. Braver answered that is correct.

Vice Chairman Graceffo questioned are there going to be three rentals on the first floor or two? The way it is laid out is for three.

Dr. Braver answered I am hoping for three

Vice Chairman Graceffo questioned is there a basement area?

Dr. Braver answered the basement area is for storage right now. Utilities will be down there. If we want to do anything else, we will have to come before the Planning Board again.

Chairman Foulon questioned is there going to be an elevator?

Dr. Braver answered a medically sized elevator. So it would be easier for me to rent out the other spot upstairs if I have a full size elevator for a stretcher for like maybe a senior day care or something like that. That's why I am planning to have the bigger elevator there.

Attorney Rubin is calling Thomas Donohue as the next witness.

Attorney Veltri swore in Thomas Donohue, P.E., Donohue Engineering, 19 Spear Road, Suite 102, Ramsey, New Jersey.

Engineer Donohue has a Bachelors in Science in Civil Engineering from NJIT and have over 30 years of experience in preparing site plans and subdivisions and I was previously qualified before this Board a number of years ago. My license is current and I am licensed in New Jersey, New York and Pennsylvania.

Engineer Donohue commented the plans that we will be reviewing tonight are the same ones the Board has. The plans consist of 8 sheets dated April 25, 2018 and last revised August 21, 2018. The subject is property is located at Block 434, Lot 1, commonly known as 1054 Ringwood Avenue. The property is located in a Business Zone and surrounded by the Business Zone would be Industrial to the east and SBD Zone to the west.

Engineer Donohue, referring to Sheet 2 of 8, Existing Condition Plan, stated the property contains the old Lakeland Bank building, asphalt parking lot towards the front of Ringwood Avenue and there is a long drive-up aisle for the drive thru which is towards the center of the property, and there are three driveways along Fourth Avenue which two are for the drive thru and one is for the front parking lot area. There are two stormwater detention areas on the site. There is also lawn and landscaped areas. The property is more of a rectangular in shape with 114' along the frontage of Ringwood Avenue and the length along Fourth Avenue of approximately 360'. There are some onsite lighting and some other drainage facilities that exist. I believe 50% of the site today is impervious.

Engineer Donohue, referring to Sheet 3 of 8, Site Plan, stated the Applicant's proposing to remove all the present features on the site, i.e., the building, driveways, parking lot in front, and to construct a two-story office/retail building with a square footage of 6,388 square feet as a footprint area. The property would be accessed to a two-way driveway on Fourth Avenue and two, two-way driveways from William Place. They would enter into the rear of the property and then travel along a one-way movement driveway around the building in a counter clockwise motion. There will be ample parking spaces along Fourth Avenue, and a parking lot up front along Ringwood Avenue, and a parking lot to the rear along William Place. There is an existing 49 square foot sign on the property. It has an existing non-conforming distance from the ground up to the bottom of the sign, which the requirement is 10'. The Applicant is proposing a sidewalk area from the Ringwood Avenue street sidewalk with an access to the front of the proposed building and sidewalk. Along with that, there would be a 6x6 concrete pad for a bike rack which will be installed out front. There will be a loading and unloading area in the rear parking lot as indicated on the plan and a proposed dumpster area in the rear parking lot adjacent to William Place. The parking lot areas will be enclosed with block curbing and the parking lot calculations based on the proposed use for an office space is 1 space for every 200 square feet, and retail is 1 space for every 180 square feet. Based on the square footages, 59 spaces are required and the Applicant is indicating 63 spaces on site. No variance is required since we are code compliant on the number of spaces.

Engineer Donohue stated the proposal will require some variances. Those are the parking spaces adjacent to Fourth Avenue, which has a 2-1/2' setback from the street right-of-way where 10' is required. As indicated in the Engineer's letter, there is a requirement to have 50' distance to an intersection to a driveway and we are going to be closer than 50' for the one driveway on William Place. There will also be a variance required for the drive aisle along the southerly side of the building, which has a 0 offset to the adjacent property line where 10' is required. The adjacent property is like a truck parking lot area with nothing developed on it. Additionally, 1 driveway is permitted for every 200' of frontage, and along William Place the Applicant is proposing 2.

Chairman Foulon questioned if William Place is a town road. I thought we gave that to Arrow quite a while ago.

Mayor Mahler believes it is a town street, but is not 100% certain.

Engineer Cristaldi stated I looked at the tax map and William Place comes across and connects to Third Avenue and comes out to Ringwood Avenue like it should be a flow through street but when go out there Arrow has it fenced off at Third and has William fenced off when it gets to their parking lot.

Chairman Foulon commented I thought that many years ago we dedicated that to Arrow in exchange for something else.

Member Platt commented that they certainly use it like it is theirs because they put nothing but tractor trailers on that road.

Chairman Foulon stated we have to check on that.

Engineer Cristaldi questioned you think you dedicated the whole thing?

Chairman Foulon answered something is telling me we did that quite a while ago.

Discussions continued about the property and the buildings located on thereon.

Attorney Rubin commented we will have to do a little research on this topic.

Chairman Foulon agreed we will have to look into this.

Engineer Donohue continued with the variances required. The building wall signs, which require variances which are indicated on the Architect's plans and he'll describe later, but one wall sign is allowed per wall face and the Applicant is proposing two wall signs along Ringwood Avenue face and four along the Fourth Avenue face. Variances are required for these signs. Again, I mentioned the existing, non-conforming distance from the ground elevation to the bottom of the existing 49 square foot sign is 3' where 10' is required.

Attorney Veltri commented I am looking at your site plan and listening to your testimony. I think you just mentioned six (6) variances, correct? The four (4) that you have on your site plan plus the two (2) additional ones that Engineer Cristaldi mentioned in his report.

Engineer Donohue answered correct.

Attorney Veltri questioned you can amend your site plan at some point so that all six (6) are listed.

Engineer Donohue answered yes, I can.

Engineer Donohue, referring to Sheet 4 of 8, Grading & Utility Plan, stated the Applicant is proposing to install a stormwater collection system. The property is relatively flat so we

are creating high and low points throughout the site. That collection system will be discharged to an underground infiltration system along the frontage of Ringwood Avenue and the system is sized with a 100 year storm capacity. Eventually, the overflow will go out to the County's system on Ringwood Avenue.

Attorney Rubin questioned if you had a chance to review the County's comments about flow onto the County Road?

Engineer Donohue answered yes, and those can be accommodated. We can address those comments and satisfy the County's conditions. Along with the new stormwater management system, the Applicant is proposing a new sewer system, along with a new water service, out to the streets.

Vice Chairman Graceffo questioned if you got the request from the Water Department as to what they were saying where the connection should be?

Engineer Donohue stated I did not get their comments.

Vice Chairman Graceffo commented that they requested that water goes out to Fourth Avenue and there is no choice that the sewer goes out to Ringwood Avenue.

Engineer Donohue commented the water can go out to Fourth Avenue since there is a water line there and we can connect to that if it has sufficient capacity.

Attorney Veltri commented I just handed Attorney Rubin a report from the Superintendent of Public Works dated July 9, 2018 and Engineer Donohue is reviewing it and if you could respond to those comments.

Engineer Donohue commented there is a request for the new service to be connected to Fourth Avenue to the existing water main that is there and that can be accommodated.

There is also a request to cut the old 3/4" service and cap that at the curb box for the existing building that is there and the Applicant also can comply with that. The sanitary sewer has to go out to Ringwood Avenue since that is the only location.

Attorney Rubin commented you also mentioned that there was another report from the Police Department and Attorney Veltri gave him that one as well. Attorney Veltri commented it is a July 13, 2018 report from the Wanaque Police Department.

Engineer Cristaldi questioned why did you have to put the sewer out to Ringwood Avenue? Isn't there a sewer in Fourth Avenue?

Engineer Donohue answered no, not aware of any sewer being in Fourth Avenue. My understanding it runs along Ringwood Avenue.

Discussions were held about the possible locations of the sewer lines in that area.

Engineer Cristaldi stated we have to check the sewers.

Engineer Donohue stated we will figure out the utilities and the best locations.

Chairman Foulon commented we are trying to prevent digging up Ringwood Avenue as much as possible.

Engineer Cristaldi questioned what size sewer service goes out to Ringwood Avenue from this property now? What are you going to put in?

Engineer Donohue thinks it is 4", and we are going to probably put in something similar to that.

Engineer Cristaldi questioned is the sewer lateral no good from the curb out to the street? In other words, why do you have to go all the way out to Ringwood Avenue to replace that? Why wouldn't you start back at the curb line.

Engineer Donohue answered we will check the capacity. If the 4' works then we will just tie into that and go from there. If not, then we'll have to bring out a new service.

Engineer Donohue continued that the Applicant is also proposing on Sheet 5 of 8 a Lighting Plan to light the parking lot and the driveway aisles. We are proposing 6 either 15' or 18' light poles, free standing throughout the parking lot and 2 wall-mounted fixtures on the building. The LED lights and the point-to-point illumination indicates that we'll have over one foot average illumination throughout the parking lot area.

Attorney Rubin questioned, from your initial calculations, will there be any spillover to our neighbor's property?

Engineer Donohue answered there is some slight areas, to the south, where Arrow's parking lot area is. There might be some small spillover there and we can put in some outside shields on those fixtures to reduce that and there is slight spillage onto Ringwood Avenue and also Fourth Avenue.

Attorney Rubin questioned, based upon your calculations at present, we are not harming any residential users with any glare from the lighting?

Engineer Donohue answered that is correct.

Engineer Donohue, referring to Sheet 6 of 8, Landscape Plan, stated the Applicant is proposing to revegetate the area surrounding the parking lot. We are indicating five (5) shade trees to be installed. Based upon the Engineer's comment letter, there is a requirement for seven (7) so we will have to find two more places on the property, either up front or towards the back, to install another tree to be compliant.

Attorney Veltri commented I believe the County is requirement two (2) more as well.

Engineer Donohue commented we discussed those issues with the County since there are existing trees out front, which they may have missed, they do not require any further trees up front.

Attorney Veltri questioned have you supplied the County with the materials they asked for on July 30th yet?

Engineer Donohue answered yes.

Attorney Veltri questioned they haven't issued a final letter after July 30th?

Mayor Mahler stated they were before the County Board last week.

Attorney Veltri questioned so we are going to get some type of comment from the County because the last thing I have in my packet is July 30th.

Attorney Rubin stated we are beyond that.

Engineer Donohue stated we addressed those comments and this is the updated report from them.

Attorney Veltri questioned can I get a copy of that letter at some point between now and the next meeting?

Mayor Mahler stated at the September 13th meeting they held this application for a technicality.

Attorney Veltri commented the Mayor has indicated he was at the meeting and you still don't have final County approval.

Attorney Rubin agreed, we don't have final approval yet.

Attorney Veltri questioned do we have a copy of a sealed survey?

Attorney Rubin answered yes, I believe it was in one of the packages

Attorney Veltri stated as of July 30th the County didn't have it. Now they have it so I am wondering if we have it.

Engineer Donohue commented we can provide one.

Engineer Donohue continued his testimony and we will be looking to install two other trees on site to comply with the requirement for seven. That is required based on the number of parking spaces that are being proposed.

Engineer Cristaldi commented if you can't the other two, I don't want you to try to cram them in somewhere just for the sake of getting seven trees.

Engineer Donohue commented I will discuss that with you to review it.

Engineer Donohue, referring to Sheet 7 of 8, Soil Erosion Sediment Control Plan, stated this plan indicates measures that we install during construction to reduce sediment and this plan will be submitted to the Hudson Essex Passaic Soil Conservation District for review and certification. This has not been done yet, but it will be.

Engineer Donohue, referring to Sheet 8 of 8, Construction Details, stated these are the items that will be installed on the site.

Engineer Donohue commented this is my testimony.

Chairman Foulon questioned if the parking space sizes were in accordance with our town ordinance?

Engineer Donohue answered yes we have 9x18 proposed and also 9x20. The ADA spaces up front are allowed to be 8' wide. There are four (4) ADA spaces; two in the front of parking lot area adjacent to William and two in the rear. The spaces on either side of the ADA spaces in the front are 9x18 and to the south side of the ones to rear are also 9x18.

Chairman Foulon commented we are going to require barriers protecting the store from cars going into it.

Engineer Donohue wants to make sure they are talking about bollards.

Vice Chairman Graceffo commented to the Chairman that haven't we been trying to establish the 10x18 size. If you go into Stop & Shop, Town Hall the 9x18 are disasters. We keep on doing the same thing over and over again. We always say we want them to be 10x18 or 10x20 and they keep on coming back to us because that is what the code says. But it doesn't really work in terms of convenience.

Chairman Foulon commented that is why I brought it up. We are foolish to keep making the same mistakes over and over again. I would rather grant a variance for less parking spaces and have them a good size that works, then to have you squeeze in.

Engineer Cristaldi stated they are looking for 10x20. It is 200' square feet, which is your basic 10x20 space.

Attorney Rubin questioned how many spaces would you lose at 10x20?

Engineer Donohue answered could be around 8.

Attorney Rubin commented I can relate to some studies that have been made because I had testimony on this very issue on a number of boards. 10' wide is great for shopping centers because doors open up, shopping carts are utilized and those who do a lot of shopping will take a cart and they need a 10' wide space. There is an issue with a 10' wide space for shopping centers especially for food markets. It has been analyzed a hundred times that 8' wide spaces are more than sufficient for office and other uses, but for food markets 10' wide is not only required in some ordinances but is sought after by those who have made significant studies of parking spaces. I give you this because this has been testimony given in a number of boards throughout New Jersey, this 8' to 10' issue or even 9'.

Chairman Foulon commented let's see what we can negotiate here.

Member Crilly questioned the traffic flow. So William Place goes from Fourth and cuts across to Third. Third is not one way, it is two way correct?

Engineer Cristaldi stated you can't reach Third from William. It is completely closed off.

Member Crilly questioned so there will be no egress out of this parking lot to Third?

Engineer Cristaldi answered no, there will be none.

Member Strobel questioned where the entrances to the building were located?

Engineer Donohue answered I am sure the Architect will elaborate but on the building plan entitled Site Plan we are indicating some triangles; two on the front so you'll have some access in the front and then access in the rear of the building to go upstairs and also to the office below and then there are two service doors along the aisle way along the south. It is mostly the front and rear of the building.

Member Strobel questioned where are the elevator and stairs being located?

Engineer Donohue answered I would have the Architect describe all that for you.

Chairman Foulon stated lets go back to the parking spaces. Mayor Mahler had a suggestion.

Mayor Mahler commented you are going to have people showing up with pick-up trucks and big vehicles. The piece down the middle, which is already 20' in length and 9' wide, if you made those 10x20 and maybe made one side or the other 10x20 then you would lose one spot each but still wind up with 17 or 18 spots sized 10x20. The ones along Fourth Avenue there has 12 so if you made that 11 and that would give you 22 spots for larger vehicles.

Engineer Donohue commented that row of parking, which has a current of 5' offset to the property line, would go to 2-1/2' or so to match the other row of parking up front. You would gain another 2'. We go towards Fourth Avenue. That is possible and we would lose a couple of spaces. So other than those two groupings, are there any other areas? It is possible for the row of 7 since we have room to the south to make those 9x20 and possibly 10x20 we would probably another spot. We could almost have the entire rear parking lot 10x20s.

Chairman Foulon commented that works. Okay, so that is what we are going to go with.

Engineer Donohue commented it may require a variance because we are going to be underneath the required.

Mayor Mahler questioned with the angled parking in front, it says 9x18 but is 18' the actual length that's going to fit there.

Engineer Donohue answered yes. If you do a perpendicular to the angled spaces, it is 9x18. Mayor Mahler commented my concern is we don't want people sticking out there.

Planner Suljic commented Mr. Chairman I feel I have to politely interject because I haven't heard any argument, and assume we are going to have some argument because their rationale for the variance on the drive aisle and the parking aisle on both sides is based on the lot configuration, but in my report to the Board and to the Applicant's expert is that why can't we take the building, push it up front, turn it so it is approximately 85x70 and you still get under 6000 square feet and then you are going to have 2/3rds of this site is going to be all parking. It should be in the back since the County is not going to allow entrance or access off their county road, which is Ringwood Avenue. I think that gets rid of all of this confluence on the side with the angled parking and the drive aisle and it pushes it and they may be able to squeeze 88' or 89' because it is 10 and 25 in terms of the side yard requirements. I think that would behoove the Applicant because the County talked about pushing it up front, the town center designation, that we worked on many years ago through Benecke Economics, we wanted to have that as part of the state redevelopment plan, push that forward. It even makes more sense because the County would not allow access onto Ringwood Avenue. I like the point you made Mr. Chairman before because I thought William Place was already dedicated because when you go down that road, there is no sign saying that and it looks like a driveway to the property next door. I think if they did a redesign of this, then they could make a better argument about coming out onto Fourth Avenue. Again, the Board Engineer had indicated before in his report is that the two other variances with regard to the property are really design standards in terms of curb cuts. They are technically not bulk area requirements. I would leave that to the Board Attorney to make that determination. I have worked on this 47 years and I've looked at curb cuts and things of that nature, they are not technically bulk area requirements. Those are technically and usually design standards and they can become a waiver.

Attorney Rubin commented Mr. Chairman we are going to have our Architect testify. We do have Planner Suljic's report and we are going to speak about it because we feel that our plan is a viable plan that makes sense for marketing the site and we will give you that testimony in a few minutes when we finish with this witness.

Vice Chairman Graceffo commented I very much agree with our Planner because I've made a number of notes on my sheets right now, which I've been waiting to ask and I really feel the overall footprint is just way too big for that piece of property. You are putting in a situation where you have a 10' drive aisle on one side and you got doors opening into that drive with people walking out, and I don't think it is going to work in terms of a safety consideration as has been pointed out by our Police Department. You are actually talking about a building that was there and will now be three times larger in footprint and ten times large in square footage so overall you are really asking for too much for that piece of property for the way it is designed. If the building is pushed up front and the parking pushed back with the site egress on Fourth Avenue that may be a good plan. I'll be very honest with you I very much want to see this project developed. I think it is something we

can use and this property has been empty for a lot of years, but I don't think it's a good design for what is proposed right now. As it sits right, it would not have vote.

Attorney Rubin commented we haven't the rest of the testimony.

Vice Chairman Graceffo comment I will listen, but you have to listen to us also.

Attorney Rubin commented of course, but we have some very good reasons why the building was place in the area that it is and it is in conformity with other newer buildings on Ringwood Avenue because they have parking in the front.

Vice Chairman Graceffo commented it doesn't mean it is good.

Attorney Rubin commented you already approved it.

Vice Chairman Graceffo commented I know but it doesn't mean it is good though. My point is the same as parking, it doesn't mean it's good. We are looking for something better.

Chairman Foulon commented we approved it because it was better than what was there.

Attorney Rubin commented anything is better than what is there today. Now you have a derelict building that's been there at least for six years since I don't know when Lakeland left.

Chairman Foulon questioned do you have any objections to what our Planner came up with?

Attorney Rubin commented absolutely. We don't think it is a viable plan.

Member Slater commented convince us.

Engineer Cristaldi questioned the existing curb cuts on Fourth Avenue, are you going to take them out and put curb back? You are not going to leave those curb cuts because they are not in the right location.

Engineer Donohue answered correct.

Engineer Cristaldi questioned you will replace the curbing out on Fourth Avenue to get rid of the curb cuts, the drop curbs that are out there now, that will not line up with any driveways when you are done?

Engineer Donohue answered yes, that is correct.

Engineer Cristaldi questioned are there houses across the street on William Place?

Mayor Mahler answered no, it is owned by Arrow.

Mayor Mahler commented someone told me that before whoever built that building for the bank there was a gas station there.

Dr. Braver commented we did have a Phase 1 Environmental Testing and the property came out clean. To my knowledge there was no gas station there.

Member Slater has a question about the percent coverage on the property?

Engineer Cristaldi answered there is no percent coverage of property in a B Zone.

Engineer Donohue answered there is no requirement for that. There are just areas of impervious coverage around the parking lot and in the front along Ringwood Avenue.

No further questions of Engineer Donohue.

Attorney Veltri swore in Brian Murphy. I am the owner of Brian Murphy Architect, LLC located 15 179 Cahill Cross Road, Suite 202, West Milford New Jersey. I am a Licensed Architect in both New Jersey and New York for 14 years. I have been working under the direct supervision of licensed architects and professional planners for over 32 years. I have appeared in front of a dozen to two dozen Zoning & Planning Boards across New Jersey and New York.

Attorney Veltri questioned if he was a Professional Planner?

Architect Murphy answered I am not a Professional Planner. State of New Jersey law is that an Architect cannot do only two things that a Professional Planner can do. He cannot represent himself as a Professional Planner and he cannot advertise himself as a Professional Planner. He or she may do everything else that a Professional Planner may do.

Attorney Veltri confirmed you are being qualified as an Architect only, correct?

Architect Murphy answered correct.

Architect Murphy testified we are proposing a new two-story structure of approximately 12,600 square feet and a little over 6,000 square feet per floor. The shape of the floor plan you will see on the upcoming drawings, but to start I would like to talk about the exterior façade. The front elevation, which will be facing Ringwood Avenue, you see a retail front and we start at the floor level with a monumental block. It may be a cut stone or sandstone or limestone coming up from grade to the sill height and then we'll have a matching bullnose sill that transitions into a brick. A nice federal style red brick, something classic in nature, and that will come up to the second floor level. We have some windows and glazing that will be also introducing some awnings with a nice vibrant canvass color. We have signs that were earlier talked about; two signs facing Ringwood Avenue, which will be two-toned wooden signs with either raised letters or routed letters, and some goose-neck lighting that will be illuminating the signs so the signs will not be lit up themselves. We have some wall sconces mounted lighting on the side. On the second floor there is going to be a stucco front with some coin pilasters at the corners transitioning into the roof area where we have some brackets or cornices leading to a partial metal roof and a mansard of shingles. Along the side street you can see a much longer elevation. We have four signs located on that side. The façade is similar. We have an undulating nature to the building that we've pushed and pulled the exterior wall to give it some real character and some real depth. Because this elevation is longer, we have some areas where the brick goes all the way up to the roof.

We have six signs basically, as mentioned earlier. We have two retail spaces in the front of the building and one office space in the back on the first floor so that will be three signs there and then if we had three tenants on the second floor each one would be able to have sign for their business to be seen from the exterior.

The rear of the building facing the parking lot you can see a main rear entrance of store front glass with awnings, a brick surround, more goose-neck lighting, and then this main area is where the stairwell and elevator are going to be and another roof above with metal and the mansard roof wrapping around.

We have the side elevation on the right that runs down along the property line. Again, we are breaking up the elevation with different materials of brick and stucco and stone.

Attorney Rubin stated a comment was made by the owner that this was a somewhat larger elevator and is the space somewhat larger than usual.

Architect Murphy stated yes, this is what we'd call a hospital grade elevator so that you can get a gurney in and out easily. It is designed for that and the purpose of that would be to attract medical uses to the second floor. Currently, there are a lot of spaces where they don't have that size elevator, and if you are a medical use, you can't take that space.

Architect Murphy, referring to Sheet A-2, we have the basement. I would say approximately a 1/3rd of the basement is probably going to be common and utility space and whatever is left may be storage that the tenants would take a certain percentage, whether it be for file storage, even though everything is going computer, most doctors still have files. If you had a retail use or a restaurant or a deli, they might want some refrigeration space and some dry goods space on the lower level for storage because they are store front space, they are going to want to have seating or retail and they don't want to use that for storage.

Engineer Cristaldi commented if you are going to use that for storage or refrigeration then it almost becomes part of the operation and maybe gets included in the square foot for parking. Because if you can put all the refrigeration downstairs, that frees up space upstairs.

Architect Murphy commented I think if it was a restaurant and they needed a walk-in refrigerator or freezer, it may go in the basement, but it won't really be adding to the occupancy. The storage use occupancy, I believe, is one person per 500 square feet, so it would be minimal.

Architect Murphy continued with the first floor level you can see the store front glass and the entry doors that are facing Ringwood Avenue on the right-hand side, and we have labeled Tenant Space 1. On your plans, I believe there are two Tenant Space 1s and one Tenant Space 2. This was correct to say Tenant Space 3 for the second retail front space. We have 1465 square feet and 1607 square feet. It is possible, depending on the tenant that we would get, that maybe a wall would be moved to accommodate someone if they needed a little bit more space. It is really impossible at this stage of the game to say what would happen. We need to get someone to commit to the space before we would actually know. The rear space is currently being shown as 2651 square feet as an Office Space off the rear parking lot.

Coming from the handicapped spaces, you can see the double doors that enter a lobby and the staircase that goes both up and down and the hospital grade elevator that we talked about as well.

On the façade facing the side street, you can see how the undulations we talked about. The wall bumps in and out. Dr. Braver really wants to develop a nice building here. He is going to have his office here and he wants to have something that's more in tune with the new buildings that are being built right from this area with nice finishes and real character. The side across the back property line is a little more flat. It has one break and as mentioned we are using different materials to break that up so it doesn't appear to be just a flat façade.

The second floor is currently shown as one open space. Again, we are not exactly sure how it is going to break down until we get tenants. The staircases are located separately in

accordance with code. There is something called “remoteness”. Staircases need to be a certain distance apart from each other. This building is going to be sprinkler so we are allowed to be 1/3rd the distance of the longest dimension of the building diagonally. Whereas, if you don’t have a sprinkler system, you have to be half. There would certainly be some type of common aisle or corridor that would connect the two stairwells and everything else would be broken down into tenant spaces as people came and took the spaces.

Attorney Rubin questioned you have had an opportunity to read the Benecke Economics report dated September 17, 2018 as signed by Fred Suljic and you understand what Mr. Suljic is advocating for this property?

Architect Murphy answered yes to both questions.

Attorney Rubin questioned can you please advise the Board why, in your professional opinion, why you feel that the configuration of the site is appropriate as presented?

Architect Murphy answered

Architect Murphy answered I understand why somebody would want to take a building and push to the front street. Typically, in a case like that, you are looking at a main street situation where building after building is pushed up to the street, there is a wide sidewalk, you have a retail first floor, a business second floor and perhaps one or two levels of residential above that, and it is a very charming scenario. I don’t think it works on this site. This site is unique in a sense that it’s narrow, very slender and very deep. We’ve designed this building to match the slenderness and depth of the site. Furthermore, if we took retail space and pushed it to the street and had no direct parking, I am afraid that it would fail because there is not enough pedestrian traffic here. We don’t have a train station nearby, or a major bus hub; it is mainly commuter in nature. It is very difficult to get someone to take a retail space if they can’t have parking directly outside their door. This day and age people want to get in and get out fast. If it’s a deli, pizza place, coffee shop or something like that, they don’t want to hang around. Maybe on a Saturday afternoon, but not on a daily basis and not enough to sustain a retail. I also think if we were to change the shape of the building, then we would have to have all retail on the first floor. We wouldn’t be able to have any office on the first floor. The back of the building would be the back of all those retail spaces and if you have ever driven around the back of a building that has all retail spaces, it’s not very slightly. It is constantly people coming in and out with garbage and deliveries and it is a mess. I would push all of our office space to the second floor and I feel very strongly that it would be a mistake.

Chairman Foulon questioned where is the mess now on this plan?

Architect Murphy answered, if you are a retail use here, we have this hallway and they would come out the side, go down the sidewalk and then head out to the dumpsters with their garbage. It would only be on the side and the entrance is where that bump is.

Someone mentioned something about car doors, with a 10’ wide aisle, an average car is 6’ wide, not including the mirrors, so we have an extra 2’ on each side, please we have 3-1/2’ on the shallow side of the sidewalk and another 2’ where this door opens so there is plenty of room there for people to come in and out with a hand truck or something like that, and it is definitely in the best place to keep a clean look on the front street side and the main rear building.

Furthermore, for the second floor office use, if we pushed the building all the way to the front, that means we are going to be asking people to park far away and walk in inclement weather, ice, snow, rain and sleet a much further distances to get into the building.

Member Henderson comment you talk about the current positioning and how you want it to be welcoming for retail, but if you want it to be welcoming for retail for people to park, you have a very small amount of parking space allocated for possibly two retail locations. It is not going to be very welcoming or you're not going to be able to have much seating. My point is that you have about 3000 square feet for your retail for the entire building and this town, as a resident, would love to see more places where people can go and sit down and have a drink and eat. There is not a lot of retail in this town, or restaurants. We have plenty of pizza places, delis.

Architect Murphy commented we would love to give you more. If this site was twice as wide, we would be giving you twice as much. But it is a very narrow site, very thin and very deep. Dr. Braver has been trying for six years to get somebody to go in here and he can't. Part of it is the uniqueness of the site. It is very difficult and on a corner no less.

Attorney Rubin commented I think the bottom line Mr. Chairman and Members, even though it is harsh but it has to be put on the floor, taking away the front parking and pushing the building to the front to get rid of whatever parking there may be in the front, is a recipe for failure for this building and we would have to think twice about moving the application forward.

Mayor Mahler commented I can't argue with that; people don't want to walk, and they are not going to walk around a building, and Member Platt agreed. Actually, looking at it here, maybe you were to move your entrance closer to Ringwood Avenue in order to make it more convenient for people but I don't know if there is enough room.

Member Slater commented I don't think there is enough pedestrian traffic.

Architect Murphy commented unfortunately there is not.

Member Slater, looking at the building, you've done everything with it that we would ask you to do as far as making it look good, making the blindside look decent, and I have to agree with you, if you don't have close parking, you won't survive.

Architect Murphy stated not today.

Mayor Mahler stated the front store should have a door that goes out towards Fourth Avenue side.

Architect Murphy commented if the tenant wanted that door, we would definitely design it in. I think that is specific to the tenant, but we kind of expected that may be something that happens.

Mayor Mahler commented you are right. People want to get in and out.

Architect Murphy comments that is also a reason for wider parking spaces too because people want to get in and out.

Mayor Mahler has one comment about the signs. I'd really love to see the building in 3D or in color because it looks really nice in black and white.

Chairman Foulon commented it really looks like it is going to blend in with what is across the street too.

Mayor Mahler commented I would like the signs to actually blend in with what we did with the Haskell Towne Centre and the stores across the street where Kressaty's is located. If you look at the streetscape there, the way we did those signs, I think they are carved-in signs.

Architect Murphy stated we want to match that and just maybe a little bit more modern. Mayor Mahler commented we are trying to match that area with the same types of signs so I would like those signs to be similar but they don't have to be an exact match. I want to put this on the record because you can't really tell on the plans.

Architect Murphy commented that is what we were going for, yes.

Member Crilly commented on parking. Often times I go into private parking garages and I see compact spaces. Is there any possibility of a mix of compact space with the 10x20. I don't know if that is allowed by ordinance.

Architect Murphy commented I would defer to our Engineer on that question.

Chairman Foulon commented nobody pays attention to those signs anyhow.

Mayor Mahler commented I think if we have the 10x20 spots in the back, and anybody with a larger vehicle or if they work there will park there. People who are coming there for the retail aren't going to park in the back; they are going to want to park in the front spots, so I don't think that will work. If you have a bigger vehicle and don't want it dinged, you are going to voluntarily park in the back where the bigger spots are.

Member Henderson commented awnings on the building were mentioned. Are there awnings on Haskell Centre?

Mayor Mahler answered no. There is just an overhang that covers the walkway. I think there are awnings on the other side.

Member Henderson commented it would be nice if all the store fronts matched, and is this something we want to suggest or recommend.

Mayor Mahler commented I think these awnings should match the other awnings along Ringwood Avenue on the buildings closer to Doty Road. If you are putting awnings on, they should, not exactly match, but be in the same style.

Attorney Veltri questioned if the Applicant has a response to that? Any objection to that?

Architect Murphy answered okay.

Planner Suljic questioned, based upon what the Architect has said, is that the justification as we look for those variances, because of the placement of the building, it almost seems that it is self-imposed because what happens is they are arguing in their application that the variances for the drive aisle and parking is based on the lot configuration. I'd like to hear a little bit more testimony as to how you justify that because typically when you look at that type of a bulk area variance, you're talking about the shape of the lot, lot configuration, I understand what you are saying, I don't entirely agree with it that, because you want to be away from the front, I mean you don't have to be exactly all the way up to the front, instead of being further back 85', you could have been 20', 30', 40' from the front. What happens is with the traffic, you are ending up with more traffic conflicts. More areas where pedestrians can be hit by a car if they are not paying attention because it is rather tight. I see it as almost a self-imposed and I've seen this hundreds of times.

Maybe you can give a better argument or the Applicant or the Attorney because I think the Board needs to hear more of that kind of argument to justify the variance.

Attorney Veltri commented I'll tell you what I am hearing from them, and I understand what you are saying. You are looking at this as a hardship type of application and what I am hearing is this more of a flexible C-2 variance and the benefits outweigh the detriments. Attorney Rubin commented in our opinion, and we looked at this quite a number of times, we didn't find a detriment. In fact, we want the building to be viable. I think the municipality wants it to be viable too. They want it to be here, they want it to be a ratable, they want it to be something that the municipality can be proud of, especially in the middle of Ringwood Avenue. We think it is a C-2 Variance.

Chairman Foulon commented we do too. We don't want a beautiful building to sit there abandoned.

Planner Suljic commented it is not always a justification, but I understand what they are saying. The only thing I bring to your attention and it was in my report that that is what we had agreed to in the town center designation with those standards that the State recommended being pedestrian oriented and friendly and it can be safer.

Attorney Rubin commented one of the problems is there is no pedestrians that use that part of Ringwood Avenue. I have been on that street, not as much as all of you, but I have been there hundreds of times and you don't see people on the street. It is a fallacy that it is pedestrian friendly because there are very few pedestrians and those people who are going to be patronizing those stores are going to be coming from Wanaque Reserve, Upper County, West Milford, Ringwood and everywhere else.

Chairman Foulon commented the new apartments across the street.

Planner Suljic commented then you have to say the argument that town has is that the town center is consistent with the Master Plan. If you are going to say it's not detrimental, then come out and say that, given the factors that you feel are criteria, are not detrimental to the Master Plan and the town center designation.

Attorney Rubin commented I don't have to do that. I am here for a variance and a site plan which is in conformity with the ordinance. If this was a Use Variance, you might have something there, but this is not a Use Variance, this is not a Board of Adjustment, so most respectfully your thinking is erroneous.

Vice Chairman Graceffo commented I look at this project and I look at the design and I am very much impressed with it. I think it is a great looking building. I really don't think though it's situated right on the property. I don't think it is going to be financially successful, even the way you have it laid out now. People keep talking about coffee shops, delis, pizza and we have a dozen of those places on this block. You need something entirely different to be successful. I don't know what it is, but it's not going to be another deli, another pizza joint or another coffee shop.

Chairman Foulon commented look across the street at the restaurant. How many of those have failed?

Vice Chairman Graceffo stated there may not have been a good operator in there, but that's one thing that is maybe missing, a good restaurant. But the point is, you are trying to put a building, which is really five times the size of what was there originally, and it is just over built. It is not going to give us what we really want.

Chairman Foulon commented fifteen times.

Attorney Rubin commented it has to be innovative.

Vice Chairman Graceffo commented, if you want to be innovative, the suggestion I have is going with what our Planner says by moving the building forward because, you are right, you are not going to get pedestrian traffic; it's going to be basically car traffic. If you move it horizontally to the front of the street, cut back on the building a little bit so you are not trying to stack everything in there, office spaces and retail, and you maybe could put three retail with a good front view with very good access from the back with less confusion with people driving around the building and creating, I think, liked our Planner mentioned, really danger zones for pedestrians or for customers driving in and driving out. You do have trucks going in there in a 10' alleyway basically up against a fence to maneuver vehicles and people around. I love the project and I love the idea, but I just don't like the way it is situated. I just think it is over built.

Chairman Foulon commented nor does our Police Chief. He also mentioned that he is not in favor of this design.

Vice Chairman Graceffo commented maybe it could be a successful just office/professional building. I don't know and obviously that would be the next step.

Attorney Rubin commented you couldn't make it work economically.

Vice Chairman Graceffo questioned do you know how many retail businesses we have on Ringwood Avenue that are just not making it? Just like you said, it's not a pedestrian traffic community. People are driving from one location to the other. So if you need to stop for gas, or a quick coffee, you have four or five places to stop for coffee. There is just too much of the same thing.

Mayor Mahler commented coffee wouldn't work here because it is on the wrong side of the road.

Vice Chairman Graceffo commented the Dunkin Donuts that we have in town, which was further north on Ringwood Avenue, was just about making it. It moved down to the south part of town by 287 and it's probably one of the most successful businesses we have. That is the thing; you just really got to take into consideration what kind of retail, what kind of business is going to sit there.

Planner Suljic commented I think a really good restaurant on the first floor towards the front and I've done this in Lyndhurst and just now in Roselle Park with a big project.

Architect Murphy commented if we get that tenant, we'll be all for it.

Planner Suljic commented you have to stop talking about it and you have to work it and not just with realtors. You have to go out and market it.

Architect Murphy commented, with all due respect, I really do believe that I would recommend to my client to take the building a few feet off and make it a little more slender to make that aisle larger before I would ask him to move it up onto the street because I'm really afraid that moving it onto the street is a recipe for failure.

Planner Suljic commented maybe you're 30' or 40' behind, but you have to do something because you have a lot of traffic conflicts there.

Architect Murphy questioned if we made it a 14' aisle? Right now it is 12'.

(too many conversations going on at once on the microphone to pick up any testimony at this point)

Architect Murphy commented if we had the tenant already lined up, it would be different, but we don't. He has been trying for six years to get tenants in here and they all won't do anything without a building first. To build a building closer to the road like that, hoping for a restaurant.

Planner Suljic commented once you have an approved plan then you could market.

Member Henderson commented a nice family restaurant where moms can take their kids. All the Italian places aren't cutting it any more. This is what we desperately need in this town.

Architect Murphy commented I love the idea, but as the Architect I can't chose the tenant. The rear space may be perfect for that too because it doesn't have to be on the street front. If you have a good chef, people are going to come and they are going to find it.

Member Crilly commented we are very tenant dependent here so speculating on tenants is not on point here.

Architect Murphy commented if we had a site as wide as across the street, we could push it up because of how wide it is, but we just don't have that site.

Attorney Rubin commented we will be glad to come back with some of the elements discussed but I just want to be clear as to the consensus.

Member Crilly would like to mention one thing. My biggest concern is the police department letter and I don't expect the Police to be taking measurements, etc. I would be amendable to whatever is acceptable from a safety issue from the Police Department. That would be my minimum standard on this. I am just throwing that out there.

Chairman Foulon commented you want this and we want it too. That is a step in the right direction and I am sure if we put our heads together we can come up with something that works for both of us, but we are going to have to keep working on it.

Attorney Veltri: Do you have any more testimony Attorney Rubin?

Attorney Rubin: No.

Attorney Veltri: We are going to open the public portion of the hearing tonight.

Chairman Foulon: Entertain a Motion to Open the Meeting to the public. So moved Member Slater, seconded by Mayor Mahler.

Chairman Foulon: Anyone in the audience wishing to come and address the Board on this Application, please step forward. It will only be this Application.

Let it be noted that no one stepped forward.

Entertain a Motion to Close the Meeting to the Public.

MOTION TO CLOSE PUBLIC PORTION: made by Member Slater, seconded by Member Crilly. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Members Platt, Strobel, Crilly, Henderson, Slater and Leonard.

Chairman Foulon commented at this time I don't think we are prepared to vote.

Attorney Rubin agreed, but I am trying to get a consensus to see how to revise the plan.

We have already agreed on the parking spaces and our Engineer has taken his notes and knows what the Board wants. We just don't know about the placement of the building.

Chairman Foulon stated we also need the survey.

Attorney Veltri commented that I think the Architect mentioned that possibly that aisle could be widened. You made a comment during some testimony.

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.

Attorney Veltri questioned Engineer Cristaldi if he had an opinion on that.

Engineer Cristaldi commented I would think 12' to 15'. There is no parking there.

Architect Murphy commented we are at 12' right now.

Chairman Foulon questioned what can you go to?

Architect Murphy commented the next step for us would be 14' because a 2' increment is what we call "value engineering" when it comes to construction. Everything comes in 2' and 4' increments. I would rather not go onto an odd number for the purpose of construction.

Chairman Foulon stated we are going to go from 12' to 14'. You are comfortable with that?

Architect Murphy answered yes.

Member Slater commented you do have plenty of access to the back of the building for fire trucks from Arrow's lot.

Attorney Veltri commented we are talking about the Arrow issue.

Chairman Foulon stated I am kind of remembering now that I do think we only vacated a portion of that street for Arrow.

Attorney Rubin comments the Chief seems to think, the way this is written, that Fourth Avenue is public.

Member Platt commented we are talking about William Place.

Engineer Cristaldi commented the tax maps show that you can go from Fourth Avenue all the way to Third and back out to Ringwood Avenue. They are not sure if they dedicated a portion of William and Third to close the parking lot, or if they gave them the whole thing. Because when you up William and Third about 150' you get even to the parking lot and it is fenced off.

Planner Suljic, referring to the Site Plan, there is a gate that comes across there on William Place. I kind of suspect that is what happened too is the remaining area to the next street.

Attorney Veltri commented we are going to make a joint effort to see if we can locate on that issue.

Attorney Veltri commented the Chairman also mentioned bollards to protect the retail stores so maybe we can add that to the plan. Really, what the elephant in the room tonight is, and what the applicant would like to hear, is your reaction to the placement of the building. Are we indicating to the Applicant that the building placement is acceptable or do we want them to push it to the front of the lot? That is what I think they need to hear before they come back. So this is non-binding, but whatever your comments are, why don't you put them on the record so that at least the Applicant can get a feel for where you are.

Chairman Foulon: Let's start with the location, that's the main thing.

Member Slater I am comfortable with where it is from the practicality stand point, from the training stand point and the architecture and that kind of thing. From my driving experience from the smallest go cart to the 60' trailer truck.

Chairman Foulon: I think we really just need a "yes" or "no". Are you okay with the location of the building looking at all the constraints that we've been faced with tonight?

Member Slater Okay

Member Crilly Ideally but I am hearing the concerns, I would say no, I just want compliance with what the Chief of Police wants.

Member Strobel I am kind of the same feeling. I think if it passed all the ordinances and everything was established, I think where the building is now is fine.

Member Henderson I agree okay and compliance with Chief of Police letter

Member Leonard I agree okay and compliance with Chief of Police letter

Chairman Foulon I am okay with it if we widen that from 12' to 14' and I think we will satisfy what the Chief is looking for.

Vice Chairman Graceffo We have a Professional Planner that represents the Board and he made a recommendation and I think we should follow that recommendation. That is my suggestion because I don't think we want to have a building that is a failed building and I think the way it is being set up right now, it is going to be a failed building for a lot of reasons

Member Platt I like it the way it is except for the back. I personally think it is the best use for that lot.

Mayor Mahler I disagree with Joe. I have to agree with Applicant that if they don't have parking in the front then the retail will fail. I like the design, subject to the parking spaces.

Chairman Foulon: Are you happy with that? Does this give you enough information to proceed?

Attorney Rubin answered I think we do.

Attorney Veltri questioned do you think you will be prepared for the next meeting?

Attorney Rubin commented I took down some notes from Jennifer this afternoon about dates for meetings and I am told the next meeting would be October 18th so that means I would have to have plans in by October 8th.

Board Secretary advised October 5th is the date because we are closed on the 8th.

Attorney Rubin commented I don't quite know if that is feasible since these two gentlemen have to do the work on that. If I can't bring in on the 5th, Mr. Chairman I really have to talk about your November meeting which runs into the League of Municipalities and I am involved with the League because I have to speak to Planning Boards and Boards of Adjustment.

Chairman Foulon questioned do you have any problem with a Special Meeting?

Attorney Rubin answered no, if it could be done.

Attorney Veltri commented why don't we shoot for the October 18th. If you can't get your plans, you can notify the Secretary and ask for a Special Meeting or we will push it to our next regular meeting, as long as we have the Applicant's consent for any time limitations on the Board.

Attorney Rubin commented absolutely.

Engineer Cristaldi commented about the parking in the front. Usually when you have parking in the front, you also have an entrance in the front. This building is kind of strange because they cut you off from Ringwood Avenue, so where does this building really front? The frontage is kind of where you have your entrance and exit. You have parking in the front, but you have no entrance, so you really forced anywhere around the building. I am just wondering, orientation wise, when you go into this building, where should things face?

Chairman Foulon answered I would think for your downstairs for your retail you are going to have entrances close to where the parking spaces are.

Architect Murphy answered absolutely.

Engineer Cristaldi commented so the front really is just going to be like a front appearance on Fourth Avenue.

Architect Murphy showed on the plan that this is Ringwood Avenue and these parking spaces are in the front and these triangle services entrances into the storefront retail and we'll probably add another entrance on the side.

Chairman Foulon commented and the same situation on the back end, correct?

Architect Murphy answered yes, we need to on the back, absolutely. With this plan, anywhere on the first floor you have sidewalk all the way around the building and it is all flush and ADA accessible so we could really add a door just about anywhere that is aesthetically pleasing.

Engineer Cristaldi commented I don't have any objection to what you are doing, I am just pointing something out that, to me, you keep talking about the front of the building and, because of the way this building is orientated and where the entrances are, the front of this building is mostly on Fourth Avenue. But you don't want to face it on Fourth because then you lost the visual of Ringwood Avenue. What you need really is some visual to Ringwood Avenue, but the minute somebody pulls in, they see all the doors right in front them.

Otherwise, the guy is going to drive around the front and try and squeeze into one of those spots in the front just to get to the front doors. Really, all your parking is in the back and

along the side so if you really want people to have access from parking directly into the building, you want entrances where you got all the parking. Otherwise, what have you done?

Chairman Foulon commented I think they said they were going to have that on the side and the front and the back.

Engineer Cristaldi commented what I am saying is the front ought to be like an illusion; you see the place, you get drawn into the place, because the minute you pull into the parking lot, you see the doors. That is all I am saying. You have all the doors in the front and most of the parking on the side and in the back.

Attorney Rubin commented we will see you in October. Thank You for your time.

MOTION TO CARRY APPLICATION TO OCTOBER 18, 2018 MEETING: made by Member Leonard, seconded by Member Crilly. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Members Platt, Strobel, Crilly, Henderson, Slater and Leonard.

Chairman Foulon confirmed with Attorney Rubin that, if required, you will give us an extension?

Attorney Rubin responded absolutely.

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

RESOLUTION: None

VOUCHERS: submitted by Steven J. Veltri, Esq. for attendance at March 15, 2018 Meeting for \$400; and Vouchers submitted by Alaimo Meeting for CJ's Own, LLC Application (613-617 Ringwood Avenue) in the amount \$202.50 and \$1,850; and for the Brendan Murphy (Celtic Knot) Application in the amount of 1,480; and for attendance at January 14, 2018 Meeting in the amount of \$200.

MOTION TO APPROVE VOUCHERS: made by Member Slater, seconded by Member Leonard. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Members Platt, Strobel, Crilly, Henderson, Slater and Leonard.

MOTION TO ADJOURN AT 10:00 P.M.: made by Member Slater, seconded by Member Henderson. Motion carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary