

REGULAR MEETING

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

READING: Open Public Meeting Announcement

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and the Herald News on August 23, 2017 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Councilman Dominick Cortellessa, Members Kevin Platt, Robert Dale Spear, Michael Ryan, John Powers, David Slater and Mary Leonard

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Mayor Daniel Mahler

MINUTES: from the July 20, 2017 Meeting

MOTION TO APPROVE: made by Vice Chairman Graceffo, seconded by Councilman Cortellessa. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Councilman Cortellessa, Members Platt, Spear, Ryan, Powers, Slater and Leonard

COMMUNICATIONS/REPORTS: None

ENGINEER'S REPORT: No new applications; just tonight's applications

APPLICATION #PB2017-03 "MRAN Haskill, LLC" (Taco Bell)

Property Address: 164 Greenwood Avenue (Block 460/Lot 24)

Application For Preliminary & Final Site Plan Approval

Authorized Agent: A. Michael Rubin, Esq.

This is a continuation of the Meeting of July 20, 2017

APPLICANT'S EXHIBITS

- A-3 Traffic Impact Letter Report Dated June 26, 2017 Prepared by Stonefield Engineering & Design
- A-4 Colorized Revised Site Layout Plan Sheet 3 of 16 Dated 8/28/17 and prepared by Dykstra Walker Design Group
- A-5 Colorized Truck Turning Exhibit Sheet 1 of 1 Dated 9/11/17 and prepared by Dykstra Walker Design Group

Michael Rubin, Esq. of 1330 Hamburg Turnpike, Wayne, NJ, Attorney for the Applicant

Attorney Rubin commented the last time we were here you heard from our Site Engineer, Mr. Dykstra and we heard from some of our neighbors who had some comments regarding our plan. What we have done since the last meeting is we have compiled, through our Site Engineer, dated August 30, 2017, a letter to the Planning Board as to what changes were made pursuant to the comments that both the Board made, your professionals and the neighbors. We combined everything together and we also made changes according to what Passaic County Planning Board was looking at also since we are on a county road. We have before you this evening is an amended/modified set of plans and we will have Engineer Dykstra testify as to those changes that are shown in the plan.

Attorney Veltri commented that Engineer Dykstra is still under oath having been sworn in at the last meeting.

Attorney Rubin stated that Engineer Dykstra will be testifying about the changes that were done on the plan for tonight's meeting. We don't have to go through everything we went through last time.

Engineer Dykstra stated I have a color version of the revised plans that were submitted to the Board. The revised plan is marked Exhibit A-4 and was given to all Board Members. At the last hearing we had a discussion about the project and one concern the Board had was the parking space sizes. Previously I think we had 17 spaces at 9x18 in size and we are now at 14 spaces and they are all conforming to your ordinance 10x20. I think the consideration was there is a lot of turnover in these types of spaces so you want the wider spaces and deeper spaces. Effectively, what we did is 14 spaces is what's required and that is what's now provided so we conform with the ordinance requirement for number of parking spaces. However, since the spaces got 2' deeper on two sides, what we did was shift everything. We held the curb line next to Greenwood Avenue, and made the first spaces 20' deep, the aisle is still 25' and the next spaces are also 20' deep so there was a 4' shift so

the building and the drive-thru lane effectively all shifted 4' to the west. It shifted the grading to because we have the slope on the westerly side of the property so it shifted the slope and expanded the amount of disturbance basically close to the property line on the westerly border.

Engineer Dykstra stated that there were concerns about the drainage so we revised the drainage calculations and expanded the subsurface infiltration system by about 40% in size so it is substantially larger.

Engineer Dykstra also stated that the County required improvements along Union Avenue. One of their requirements was to widen Union Avenue 17' from the striped center line to the proposed curb line, construct a curb along Union Avenue, and also a 5' sidewalk along Union Avenue and an accessible ramp at the intersection of Greenwood and Union Avenues. This has also been reflected on the plan.

Engineer Dykstra stated we also widened Greenwood Avenue on the applicant's side (the westerly side of Greenwood Avenue) by up to 4' and put in a 25' curb return radius so that intersection has been substantially enhanced with this development. The proposed curb that came to that intersection was then extended all the way to our proposed driveway.

Engineer Dykstra stated we also consulted with the trucking company that will be making deliveries to this site. In this industry, the typical deliveries are made with tractor trailers. The trucking is McLane and we had them review the plans. The trucks will come off hours when there are no cars in the parking stalls and they will use that whole parking area for their maneuvering. However, they wanted the ability to possibly cross over the curbing so basically we depressed the curb and installed a re-enforced concrete pad so the wheels of the truck can pass those areas. Visually, you will still have a curb and a depressed island, which will allow the truck to maneuver through this site.

In addition, when we put in this new curb line for the radius of Greenwood and Union Avenues, it also necessitated the additional right-of-way for Wanaque so we propose a dedication of about 200 square feet. Currently, the right-of-way just comes into a point, there is no return or radius so we are proposing a radius in the dedication of that right-of-way to complete the intersection. The County also requested that we dedicate land that is between the right-of-way line and our deed line to the County. There will be a dedication to the County and Wanaque Borough for right-of-way.

Engineer Dykstra noted there is another variance, which has to do with the slope ordinance. At this point, we are developing most of the site and we expanded the site to the west, therefore, we need a slope variance, and this has to do with your ordinance. The back portion of our lot, which is steeply sloping, and there is a correction factor for that, which basically you have to multiply the steep slope area by 3-1/2. Bottom line with the slope is we are allowed, based upon the ordinance, 18,960 square feet for this lot, and after the right-of-way dedications it's 23,399 square feet. Our proposed actual disturbance on the lot is 21,976 square feet. To develop this property, we have to disturb most of the lot; almost all the lot. This does trigger a slope variance based on your ordinance.

Attorney Veltri commented that this is a new variance that has not been advertised for. I don't think we should testimony on that variance until it is advertised for, and we are going to have to do it all again anyway.

Engineer Dykstra stated very well. I figured I would point it out so that there is that variance so that is now noted on the plans.

Engineer Dykstra commented I think that is it for the plan changes.

Attorney Rubin asked for the Chairman's indulgence for one moment. I have to confer with your counsel for one moment so I would ask for an adjournment, which adjournment was granted.

Chairman Foulon advised that Councilman Cortellessa and Member Michael Ryan left the dais since they recused themselves from any involvement in this application at the last meeting. These Members then sat in the audience during the entirety of the application hearing.

Attorney Rubin commented that Engineer Dykstra is finished with his direct testimony if the Board or the public has any questions. We do have a Traffic Engineer with us to discuss the traffic movements on the site.

Chairman Foulon: Any questions for the Engineer? No one came forward.

Chairman Foulon: I would like to hear from your Traffic Engineer. We had requested turning radiuses for the truck.

Engineer Dykstra answered that we have been working with your Engineer on that and we have an exhibit and it still seems to be a bit of a work in progress, but we can present what we've produced to date. Since we produced the exhibit, I'll set it up then the Traffic Engineer

can probably explain it better than I could.

I would like to mark this as Exhibit A-5, which is a new exhibit entitled Truck Turning Exhibit and dated 9/11/17, and was given out to Board Members. It is the same version as is on the easel. Engineer Dykstra explained that we were asked to evaluate how a truck can safely maneuver onto this site and not back out on Greenwood Avenue because there was a lot of discussion at the last meeting about the fact that the deliveries are going to come off hours during the night and there is parking allowed at night on Greenwood Avenue, and during the day also. Backing out on Greenwood into that residential area was not desired condition so we analyzed it using a large truck, WB62, which is maybe slightly larger than the actual truck they are using, but it's conservative. The Trucking Exhibit shows the delivery truck entering this site and how it would maneuver; and then we show the back-up maneuver and how it would exit the site. All backing-up and maneuvering would occur on site, and not on Greenwood Avenue. Essentially that is Exhibit A-5 and the Traffic Engineer can explain it further.

Vice Chairman Graceffo questioned why are you showing two radiuses?

Engineer Dykstra stated that the way the software works is the lighter dash lines are the front wheels of the truck and then the darker lines are the back wheels. The trailer is somewhere in the middle of those two.

Chairman Foulon stated you are showing where you are driving over sloped curb?

Engineer Dykstra answered that's right and one thing that did come out of this exercise is that we wanted to increase the radius coming out of the site onto Greenwood Avenue to allow for that smooth movement. We propose a radius of 18' versus the tight radius we had before. If we hadn't widened that entrance based on the last meeting to 35', but the curb return radiuses were just small. So the one on the south side towards Union Avenue we want to increase that to an 18' radius to allow the smooth transition out to Greenwood.

Vice Chairman Graceffo stated this is different than what you showed us on the first plan.

Engineer Dykstra stated that is right. This is a revision we are proposing.

Vice Chairman Graceffo questioned how big is the actual mounded curb; how much will that protrude up off the pavement of the roadway?

Engineer Dykstra answered what we would normally do is there would be a slight bevel up maybe 3" into the middle or so. It is basically a curbed flat island.

Vice Chairman Graceffo questioned what sized trailer will this be?

Engineer Dykstra answered it is aWB62. I know there is 48' trailer and the trucking company said 62' total but then they confirmed the total length of the truck is 64'. The total length bumper-to-bumper is 69" on a WB62 so this is what we used for the model. The model shows a slightly bigger truck than they are using. If anything, our analysis is conservative. The software is also conservative so actual trained drivers can actually do substantially better than what the modeling software shows. Your normal deliveries to a site like this, you are going to consistently be getting the same drivers that use the same routes, and go to the same sites.

Member Leonard asked for clarification as to how the truck backs up and turns around.

Engineer Dykstra, showed on Exhibit A-5, using a pointer, how the truck enters and leaves the site. (The truck traveling north on Greenwood, turns into the site (the front wheels (lighter lines) of the truck are traveling in this direction), and the trailer, the back wheels (the dark dash line), so it comes into the site and straighten out and this is the position of the truck at the end of that maneuver. Then we go to the other exhibit from there it backs up, cuts his wheels and maneuvers the truck into this position, goes forward and backs up again and then leaves the site.)

There are two back-up maneuvers in our analysis to get him off the site.

Member Leonard questioned what time would this truck make a delivery?

Engineer Dykstra stated generally off hours sometime in the early morning, 4am or 5am.

Vice Chairman Graceffo questioned if there would be someone to receive it?

Engineer Dykstra stated there would be an employee that would be scheduled to meet the driver, unlock the building and allow the deliveries.

Chairman Foulon: Any other questions? None

Chairman Foulon: Let us hear from your Traffic Expert.

Attorney Veltri swore in Frank A. Filiciotto, Stonefield Engineering & Design, 92 Park Avenue, Rutherford, New Jersey. I am a Licensed Professional Engineer in the State of New Jersey and have approximately 15 years of experience in the field of traffic and transportation engineering. I am also licensed in seven other states and have appeared before a multitude of boards in this state as well as New York and Pennsylvania as a Traffic Expert on prior occasions. I also hold Bachelors and Master Degrees in Engineering. My licenses are all up to date.

Attorney Rubin stated Mr. Filiciotto is familiar with the site and diagrams, and asked him to explain, in detail, how we are going to get the size trucks that are delivering into and out of the site in a safe and expeditious manner, how this is going to work and if we are not going to be disturbing the traffic patterns on Union and Greenwood Avenues or any other streets in the Borough. How does the truck come in, make a turn in the site and leave in a safe manner?

Mr. Filiciotto, referring to Exhibit A-5, which Engineer Dykstra prepared, presented and summarized earlier, stated I will get into a little more detail regarding the actual truck maneuvers. Essentially, what we are dealing with here is a WB62 which is the technical term for it in traffic engineering world. WB62 is a 69' vehicle from tail to nose. The "62" is the wheelbase, meaning the distance measured from the center of the back wheel all the way to the center of the front wheel. We have been informed that this vehicle will be the largest vehicle that would visit this site. It has a 48' trailer and the remainder of the distance is the cab and obviously the space between the trailer and the cab to get that 69' of total length. The goal here was to avoid a reversal movement on any public right-of-way. What that called for was getting the truck in, coming in facing the site, coming in like you would driving forward and reversing on the site, so that it is not in the public right-of-way at all and that you are confined in an area that can be controlled by operations staff, and Mr. Dykstra explained that there would always be an employee on the site to receive the vehicle and make sure it is done properly, and that the goods are taken off the truck, wheeled into the store in an expeditious manner.

Mr. Filiciotto stated the vehicle will be coming most likely from Route 287 and make a right turn off of Union Avenue onto Greenwood Avenue and then an immediate left into the site. It will pull all the way around to the front of the site so its nose will be facing Union Avenue at that point. It will then reverse so that the right side of Exhibit A-5 shows the inbound movement and the left side of the plan shows what happens in the reversal condition. The vehicle will reverse back towards the north side of the site and turn its wheel so that he can pull up generally parallel to the north property line, do its unloading and the beauty of that is that it can pull straight out into Greenwood without having to reverse and do anything else in the public right-of-way in that fashion. The goal is to use this area that will be inactive because the drive thru will not be open at that time and, if it is, it will be very low volume at that hour, and do that in a confined and controlled area. This is approximately two deliveries per week so it is not a frequent thing. To my knowledge, this is not an every day event. I do believe Mr. Dykstra has depicted this accurately in accordance with the civil engineering standards that are accepted throughout the industry.

Attorney Rubin stated you have described all of these maneuvers. The main question is, is it safe for our neighbors? Are we creating anything that will be a detriment to our neighbors and to the motoring public in the surrounding areas, and especially to those people who live in the general area?

Mr. Filiciotto answered, from a traffic circulation and maneuverability stand point, no because it's confined to private property. The maneuvers are confined to private property. The only maneuvers that are being made in the public right-of-way are your standard right turns and left turns in a forward fashion.

Attorney Rubin questioned generally are the deliveries made when the store, unless it is a 24 hour store, and we don't understand that it is, but this Taco Bell would be down some hours and those would be the hours we set up deliveries and that can be done as it has been done in other franchise locations.

Mr. Filiciotto stated correct.

Attorney Rubin stated we are ready for questions from the Board.

Member Platt stated this looks really nice, but if by chance there is anybody in the parking lot you are not going to be able to do this.

Mr. Filiciotto stated agreed. In the path, there are two spots that aren't going to be touched. The path definitely utilizes the area where the parking spaces would be occupied during normal business hours, but the goal here is to confine the deliveries to off peak time when that parking usage is nil, it would only work in that case. In my experience with fast food retailers and these convenience types of uses, you don't want to impact your customer base by having a tractor trailer there during busy times. It just doesn't become a welcoming site at that point so you do it when that activity is not present.

Attorney Rubin stated he just conferred with the prospective owners and they confirmed with me that this is not a 24 hour site.

Chairman Foulon stated we were under that impression. I think they are going to have to put some signage up because what is to stop somebody from parking their car there overnight.

Attorney Rubin stated you can't do it, they would be towed.

Chairman Foulon stated they are going to have to put signs up stating that is so, for example, "Customer parking during business hours only; all others will be towed."

Attorney Rubin stated a Title 39 warning and I don't know if this Board has imposed it, but other boards have, that they have to abide by traffic standards.

Member Spear stated I am a little worried about noise. It is refrigerated truck, and that is going to running the whole time. Also, when it is backing up, does a WB62 make that loud beeping noise? How long does all this maneuvering take?

Mr. Filiciotto answered the backing up should be able to certainly under one minute, without a doubt. You are talking about a distance of about 100' to 120' so you are in forward mode for the majority of that entire run and the reversal pretty much takes you from the front of the site, back to the rear, which is again about 120' or so, which at one mile per hour is still going to be seconds, not minutes.

Member Leonard questioned how long does the truck stay idle when it is making its delivery? One of my major concerns is we have people sleeping, they have gone to bed and I believe you said the delivery was between 2am and 3am when people are sleeping and don't want to be woken up by the sound of a tractor trailer. Is the truck going to stay idle when it is making deliveries?

Mr. Filiciotto answered I can certainly find that out for you, but my experience has been both ways.

Attorney Rubin stated this is something your Council would have to comment on. This is not a Use Variance. If this was a Use Variance for a use that was prohibited in the zone, those questions that were just asked about idling, about sound, refrigerated trucks, etc. would be valid questions. This is not a Use Variance; the use is permitted. If the use is permitted, truck traffic goes along with a commercial site. This is a site plan application, with bulk variances as we described them, but there is no Use Variance here so the use of trucks and everything else that is associated with it is permitted.

Member Slater stated I disagree with you on one point. There is a three minute idling that is state statute.

Attorney Rubin stated that goes beyond zoning. You are absolutely right, that is state statute and everybody has to play that one out.

Member Slater questioned if the man from McLane was here to talk to us?

Attorney Rubin answered unfortunately the McLane people could not be here. We asked them to. In fact, I asked them, Mr. Dykstra asked them, and my clients asked them; everyone asked them to be here and they said they had other arrangements tonight that they had to be elsewhere and could not be here.

Chairman Foulon, in rebuttal to your words as to the use, stated e can restrict the hours that the truck can come in and out. The hours of operation from 7am to Midnight, I believe.

Attorney Veltri stated that was some testimony that we received at the last hearing. I don't know if that has been modified.

Attorney Rubin stated the owners are here.

Chairman Foulon stated I think it would be very beneficial if we limited the hour of delivery to 7am or later.

Attorney Rubin asked one of his clients to come before the Board and Mr. Rasesh Desai appeared.

Attorney Veltri questioned if Mr. Desai testified at the last hearing and he did not.

Attorney Veltri swore in Rasesh Desai.

Attorney Rubin stated that the question the Board is asking is the hours of operation. When will the restaurant be open?

Mr. Desai stated employees will come in at 6am and will open for customers at 7am.

Attorney Veltri questioned where are your employees going to park?

Mr. Desai answered in the parking lot, but there is only one person who comes in to open the store.

Member Platt questioned how many people will be working the shifts?

Mr. Desai answered in the morning at 6:00am usually only one person/manager. Noon time probably 4 or 5 people.

Attorney Veltri questioned that one employee that comes in at 6am is he going to open up for deliveries?

Mr. Desai answered yes, he will be the one receiving the deliveries.

Chairman Foulon stated I saw you and your wife shaking your head that you had no objection to limiting your truck deliveries to 7am.

Mr. Desai stated we certainly can call McLane and request that.

Chairman Foulon commented that there is another solution. You own several Taco Bells so is there a way that you could have your deliveries made to one store, load them on a smaller truck and bring them to this store?

Mr. Desai answered to be honest with you, no. They are refrigerated items and we can't transport them.

Attorney Veltri commented I would like to clarify this because we have heard several different times on truck deliveries today. The one I heard was 4am to 5am. You are now saying that you have no problem restricting truck deliveries to after 7am.

Mr. Desai stated we can request that to McLane, who is our delivery company.

Attorney Veltri stated I don't care what you are going to request because we are going to condition the time of truck deliveries and I want to be clear that you don't have an objection to 7am and after.

Mr. Desai stated yes, that's fine. If that's what you need, that's fine.

Engineer Cristaldi questioned how many deliveries do you get a week?

Attorney Rubin answered twice a week was the testimony given to both tonight and at the last hearing.

Member Spear questioned how long do the deliveries take?

Mr. Desai answered it varies but probably 15 to 20 minutes.

Member Slater commented I would like to have the McLane guy here because I am on the road every day, all day and I have yet to see a McLane trailer under 53'. Deliveries across the street at Burger King are about 9pm or 9:30pm, which is an off hour so to speak; however, they do shuttle back and forth if they block people in so it is doable. I asked last meeting if anybody had bothered to ask the County about an entrance on Union Avenue. The property has a Union Avenue address and I am hard pressed to understand how they could deny you access from Union Avenue. If you center the building in the lot, the truck could come in from Union Avenue, go around the building, never back up and go right back out onto Union Avenue. It is simple solution to a rather large problem. There is a lot of stumbling blocks. This is a ten pound load in a five pound bag. We are trying to make it work and make it so the neighbors aren't offended by the activity of the trucks regardless of whether it is a commercial zone or not. It borders on residential and you have to consider it. It's as simple as that.

Attorney Rubin stated you cannot have a driveway within a certain amount of feet of an intersection and the site could not have a driveway on Union Avenue. It has to be on Greenwood Avenue. You can't have it close to an intersection and secondly, the County Resolution of Site Plan, if you are on a street that has an internal municipal street and you are on a county road, you must use the municipal street as an entrance and exit. You cannot go on the county road. That has been their rule for the last 20 years.

Chairman Foulon questioned what about Burger King and the Holiday Inn?
Attorney Rubin stated you have to have a municipal street next to it. You can't have a municipal street adjacent on the county road. You have to use the municipal street.
Chairman Foulon stated Susquehanna Avenue is next to Burger King.
Attorney Rubin comments, as I recall, and having been involved in both of those applications, you need an approved municipal street and I didn't think there were any on both of those sites that was adjacent to those uses.

Any other questions from the Board? None

MOTION TO OPEN THE MEETING TO THE PUBLIC HEARING FOR QUESTIONS REGARDING ANYTHING ON THE APPLICATION EXCEPT THE SLOPE: made by Member Powers, seconded by Vice Chairman Graceffo. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Members Platt, Spear, Powers, Slater and Leonard

Joe Van Buren, 156 Greenwood Avenue, Haskell

Mr. Van Buren questioned when the truck is entering and exiting the property, am I to understand that you are going to have a bounced curb so when this truck goes over it, it is going to rattle on both the front and back wheels coming in and coming out? If this is a 4am delivery we are going to hear trucking bouncing as well as the beeping of the back-up light?

Chairman Foulon commented it is my understanding that there shouldn't be any rattle because it's going to be a sloped curb.

Member Slater stated, if you look at the handicapped access on the intersection, the curb is going to be similar construction to that where the curb is no more than ¾" over.

Chairman Foulon stated there should be no bounce. I'm satisfied with what they are saying with the slope.

Member Slater stated most all of them air bags and typically don't rattle. They don't have anything on the road that is over five years old.

Mr. Van Buren commented, what is not shown here is, a car can legally park parallel to their property, so that truck that's coming in could have a car parked 50' beyond the Stop sign on the Taco Bell side of the street. Technically, that truck could come and not get be able to gain access and have to wake somebody up (pointed out parking spot on drawing).
Chairman Foulon stated I don't see where that we interfere with the truck going in or out.

Mr. Van Buren questioned if garbage is still slated for early morning also because all the garbage trucks have a beeping signal? Also other residents on the street have concerns about where the garbage container is located because that borders the properties of my neighbor and my property, which means you have rodent issues naturally with garbage. That is a concern that we have.

Chairman Foulon stated you have businesses across the street. What is their garbage like?
Mr. Van Buren stated they are across the street and they don't have residences right up next to the property.

Chairman Foulon stated I am talking about the laundromat, which is right in the residential area there.

Mr. Van Buren stated it is not food, unless you are eating at the laundromat.

Mr. Van Buren commented that when this guy says he is helping out the neighbors, it is gravely insulting. 4 or 5 days ago I asked for a cad sized drawing so I could review from Mr. Dykstra and I was declined. In my opinion, these guys have not been forthcoming in my opinion when asking for information.

Glenn Heddy – 159 Greenwood Avenue, Haskell

Mr. Heddy questioned when the traffic study was done. Did they do it during the summer hours when the traffic is much lighter? After summer when kids go back to school, Ringwood Avenue really jams up and Greenwood becomes more of a cut through street. Mr. Filiciotto answered school was in session. The dates we counted were Tuesday, May 23, 2017 and Saturday, June 3, 2017. We did Saturday for the peak restaurant afternoons so in this case Saturday is important as well as a weekday. The hours were between 7-9am and 4-7pm, which are the standard commuter rush hours.

Mr. Heddy stated his other concern was weather. We are in the northeast and get a lot of snow and we get a nor'easter and there is 2' of snow, which has to be put somewhere, that is going to really limit the amount of maneuverability on the street as well as in the parking lot. Are they going to pile the snow in the parking lot?

Also, in theory, a good driver might be able to pull this off, but this standard 53' truck is a lot of truck. Unless you really know what you are doing, it is difficult to maneuver. If the truck comes at night, if it is a younger kid to accept deliveries, he may or may not be reliable. There could be times when deliveries are missed. The garbage is definitely a concern. I understand that they addressed drainage, my understanding is it's still not going to connect to any pipes or go anyway. As you cover more ground with parking lot, you limit the amount of drainage.

Chairman Foulon stated their retention basins should improve the situation of the neighborhood.

Engineer Cristaldi advised that the pipe that was supposed to have been broken out there, was broken about 10 or 11 years ago, but Wanaque repaired it back in 2006, and ran it over the pipeline that broke. It was probably the Wanaque South Project when it went through. They broke the drain line and they didn't put it back when they were done so the town went and fixed it. They really haven't had any problems with the flow.

Mr. Heddy stated our street floods very quickly. You get a little bit of rain, and you have a lot of puddling. I don't know if there isn't enough drainage in the right key spots. There are no curbs. Once it gets deep, cars are zipping by. I just don't want to add more to it. Engineer Cristaldi commented I think there are a lot of streets in Wanaque that if you get a really bad down burst of rain, you just have a lot of water.

Mr. Heddy continued if you have a typical street that has a curb that can channel the water and it goes into a storm drain, it is not an issue. The properties are kind of level with the road and there are very limited storm drains and there is no way to channel it. My concern too is if they're going to do all that on their side and add all that curbing, it is just going to make a little bit more come to the other side as well.

Mr. Heddy questioned, since they have to go for another variance to move the retaining wall back, does that mean another meeting?

Attorney Veltri answered yes, and it will be advertised.

Dennis Gould – 157 Greenwood Avenue, Haskell

Mr. Gould is concerned about the trucking, the noise, the flooding. I have already had my wires ripped down six times because of the trucks. I don't understand the county road and public road, but I think it is going to be safety hazard and a nuisance with people pulling in and out of the driveway coming onto Greenwood Avenue. I don't know why the entrance can't be on Union Avenue like Burger King and Holiday Inn. The entrance to Burger King is right across the street from Greenwood Avenue. People pull in and out of the laundromat without looking. People use Greenwood Avenue as a by-pass to avoid the congestion on Ringwood Avenue. Early morning and late afternoon, my street is just packed. The road floods and I'd like Joe to address the flooding there since he is more familiar with that than I am. It is big concern with the noise, trucking, traffic and it is going to be a hazard.

Joe Van Buren: I'd like to just touch on what your Engineer just stated about this flooding being fixed. Since it was I who drove the lawsuit that was supposed to repair this flooding, has not been fixed. The settlement was very clear that it was a temporary pipe that was put from the one basin to Stop & Shop and a full set of drainage was supposed to be put in. I let it go 11 years. Next time that drain backs up, I am going to start making phone calls. It was supposed to be repaired and you can check with Tom Carroll. I want it on the record that something was supposed to be done has not been done.

Jacob Van Loon – 11 Greenwood Avenue, Haskell

Mr. Van Loon stated the majority of the business I see for Taco Bell's is the drive thru. Very seldom do you pass and you see that indoor facility packed. What is the car length for when you come into the driveway from Greenwood to go into the drive thru and first part where you order, then you pay? What is the majority of business; is it drive thru or it is sit down inside? I feel the drive thru and when it first opens it is going to be hell, and I am concerned about the amount of cars that are going to make the turn into the driveway and wait in line. I think that is going to be a bigger problem as far as traffic than the tractor trailer.

Chairman Foulon stated in other words is the drive thru line going to back up onto Greenwood and eventually onto Union Avenue.

Mr. Filiciotto addressed the concern. We have over eight spaces on the site before you even begin to approach Greenwood Avenue with the drive thru que. The way we analyze drive thru ques is we look at the total amount of traffic that is expected to visit this site at peak hour and then determine how much is expected to use the drive thru. In the traffic engineering community, we use about 50% drive thru versus parking vehicles. When we looked at this site, we expect 50 vehicles to enter the site during the critical peak hour and approximately half of those vehicles would be using the drive thru. The drive thru time from the moment you place your order to the time you are actually retrieve your food and move, industry standard for a fast food restaurant that serving you food is about a little under four minutes, about 220 seconds. What that means is you are not just dwelling in the

lane for four minutes preventing anyone else from ordering. Everyone moves up a little bit so what that allows for is about every minute someone can move up one space in the drive thru. We have basically doubled the capacity in the drive thru lane that we would expect to have based on the amount of traffic forecast.

Chairman Foulon questioned suppose you reverse your drive thru. That way you would have your whole parking lot as accumulation.

Mr. Filiciotto answered there is one issue with that. You need to pick-up on the driver's side. Believe me, I've thought about that many times.

Chairman Foulon stated good point.

Member Slater wants to question Mr. Filiciotto's about the 50%. When Burger King was put in we became quite involved in that situation and I meet with owners of 11 Burger Kings and I asked them why is there somebody that is waiting at the counter and the drive in comes thru and you strive for 80% or better for the drive thru and that is the industry standard and that is pretty close to what they get. His figure is 80% and I doubt that has been changed.

Mr. Filiciotto stated that may very well be but there is something that comes into play with a lot of these fast food restaurants. When you have two options, drive thru or parking, there is a self-regulation that occurs. If you are seeing a que that is literally backing out onto Greenwood, but an empty parking, what are you going to do? You are most likely going to park and walk in.

Member Slater stated the average joe is not going to get out of his car and continue to wait in line.

Member Foulon stated not only that, but how many cars are you going to have from the menu sign to the driveway entrance?

Mr. Filiciotto answered from the menu board back it is going to about three or four cars depending on what size vehicles.

Chairman Foulon stated when they are waiting, that means nobody can get into the walk in area, the parking lot.

Mr. Filiciotto stated you would have to have about two cars that are queued out in order to dwell into that main drive aisle. Remember, the ordering is less than a minute of the process, so you are there for a very brief period. Again, these restaurants strive to keep things moving.

Chairman Foulon commented have you ever sat at a red light for a minute and it feels like it takes a hell of a long time.

Dennis Gould stated if I understand the gentleman's numbers, during peak season there is going to be a car pulling onto Greenwood Avenue every minute. Is that not correct by your numbers? I don't think that is going to be very safe at all.

Mr. Filiciotto stated during peak hour.

Sandy Lawson – 28 Haskell Avenue

Mrs. Lawson questioned how many parking spaces are there?

Attorney Veltri answered 14 and Mrs. Leonard stated one is a handicap space.

Mrs. Lawson commented I am trying to visualize how this is all going to fit on that postage stamp.

Glenn Heddy stated one of the Board Members had mentioned at this last meeting if there was going to be any parking for motor homes or people with campers or trailers, so nothing has been addressed for that?

Chairman Foulon answered no.

Mr. Heddy stated if someone pulls in with a motor home are they going to be able to get around the drive thru?

Chairman Foulon answered no. They are going to get stuck. They'll have to park across the street and walk over.

Mr. Heddy questioned so how the drive thru is configured there is not going to be room for cars to around the building?

Chairman Foulon stated no, because the drive thru is going around the building.

James Caras – 160 Greenwood Avenue

Mr. Caras stated he lives adjacent to the proposed property. I am more concerned about the excavation and such of this property. They did some soil samples, but I don't think they did them properly because, in order to put our house up thirty plus years ago, we had to blast. I don't know how they are coming up with that they don't need to blast or at least hammer the heck out of this. Again, I am on the property line. We've got trees that are hundred years old and I heard slope going in to here somewhere.

Chairman Foulon stated we are not discussing that tonight.

Mr. Caras stated we need to figure are we putting up walls because you are going so deep and as you are excavating this stuff you are going to tear up some roots and tear down trees and things.

Chairman Foulon stated perhaps the engineer can answer that question.

Engineer Dykstra stated I believed we discussed this at the last meeting to some extent.

The property has basically two zones. We have a level area, which is the front part where the existing house is; and your house is the flag lot up in the back. **Mr. Caras** stated correct. Then you have a slope in the back which effectively there is a lot of exposed rock, bedrock and we'll have rock removal required in that area. The front part of the lot is sand and gravel, and I think we dug 10' to 12' and it was all very nice and highly permeable sand and gravel. But the back part of the lot you can see visually the exposed rock in places so we know we have rock removal activities there. There will be hammering and be required to remove the rock and then create the slope rock surface which will be the back of the westerly part of that property.

Mr. Caras so in answer to my question is there going to be damaged to my property line.

Engineer Dykstra answered no. We are going to protect the property line and not disturb your property whatsoever.

Mr. Caras questioned with the hammering and stuff, what happens to my foundation?

How long is this construction going to last?

Engineer Dykstra answered all of the construction will have to be performed in accordance with all the applicable rules, regulations for rock removal so we will have to meet all the standards. Time frame I would say a project like this start to finish could be as quick as six months but the rock removal and the grading will happen within about a three month period.

Mr. Caras questioned rock removal?

Engineer Dykstra stated as I mentioned that slope in the back. We know there is rock there so we will have rock removal, rocks on trucks and trucked to another site. Chairman Foulon questioned will it require blasting or are you going to be able to pound it?

Engineer Dykstra answered I don't know for certain. Sometimes with rock removal, you don't know until you start. You start with the idea that hopefully it all breaks up and you don't need blasting. But if there is blasting required, there is very comprehensive state regulations on blasting. I image your house would have to have a pre-blast survey just to make sure. They will assess whatever cracks are in your foundation and they would check that ahead of time. Blasting occurs and then everyone has cracks that may or may not have been there before. They do pre-blast surveys for liability reason.

Mr. Caras has had blasting from cell tower that just went up on Elks Camp and from down the end of Union Avenue and my house shakes pretty bad.

Mr. Caras stated I am just saying I don't want my property messed with. Don't touch it please! I am going to put signs up and put my own little snow fence up, don't touch it. I am going to take pictures, please don't touch it. This other thing about your curb. Chairman Foulon stated the sloped curb.

Mr. Caras questioned where is that going to be located?

Engineer Dykstra answered essentially right at the top of the island in the parking area. Essentially it's a flat surface described as a tire ran over and it is going to be flush and smooth when the truck crosses it.

Mr. Caras questioned they do have curbs for a reason and curb heights for safety issues?

Engineer Dykstra answered it is mainly a delineation of parking lots.

Mr. Caras wasn't asking Mr. Dykstra. Anyone else? There are rules and regulations for curb height and stuff?

Chairman Foulon stated what he is doing is within the rules and regulations.

Mr. Caras stated all right and let's keep in that way.

MOTION TO CLOSE THE MEETING TO THE PUBLIC HEARING: made by Member Slater, seconded by Vice Chairman Graceffo. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Members Platt, Spear, Powers, Slater and Leonard

Attorney Rubin stated we did receive Alaimo Engineering's Report dated September 8, 2017 which we probably received the next day, and obviously it was set forth that there was a violation of the steep slope ordinance as to this site because as we know the building was moved slightly and so there is a technical violation and that is a variance that is required by Borough Ordinance. Since we received the Alaimo Report after we sent out notices and published, obviously we did not send out notices and publication as to that variance. What we will do is send out a new notice to everyone within 200', place it in the newspaper again just as what is set forth in the steep slope portion of the September 8, 2017 Engineer's Report. I guess we need another date.

Chairman Foulon stated yes. The next meeting will be Wednesday, November 8, 2017 and it will be a combination of our October and November Meetings. There will be no meeting in October and our November regularly scheduled meeting is during the Municipalities

Convention so we are moving our next meeting to November 8th and it will be duly advertised.

Attorney Veltri questioned Attorney Rubin if the applicant is waiving any time constraints?

Attorney Rubin answered yes, of course.

Chairman Foulon: For the public, before you leave, the next meeting on this application will be Wednesday, November 8, 2017 at 8pm. We are going to take a five minute recess.

ROLL CALL AFTER RECESS: Chairman Gilbert Foulon, Councilman Dominick Cortellessa, Members Kevin Platt, Robert Dale Spear, Michael Ryan, John Powers, David Slater and Mary Leonard, Attorney Steven Veltri and Engineer Michael Cristaldi
ABSENT: Vice Chairman Graceffo

NEW BUSINESS APPLICATION: Sorry Ma Tattoos
Property Owner: 519 Ringwood Avenue, LLC (James Vander Platt)
530 High Mountain Road, Franklin Lakes, NJ
Property Address: 519 Ringwood Avenue, Wanaque, NJ
New Tenant: Jeffrey Lugo, 45 Ramapo Avenue, Pompton Lakes, NJ

This is the store where the ice cream parlor was across the street from the Post Office.

Jeffrey Lugo: I am the owner of Sorry Ma Tattoos in Pompton Lakes. Due to the current redevelopment of Pompton Lakes, we are being forced out of our location. A big portion of our clientele is from Wanaque so we thought it would be fit for us to move into town and be open here.

Chairman Foulon questioned you have been given a copy of our Ordinance pertaining to tattoo parlors?

Mr. Lugo answered yes I have. I have read it over and agree to everything on there. I have been following the State Ordinance for years now. I have no problem following anything you would like me to do. I am formerly an emergency medical technician so I am very sterile and clean about my procedures. I also have two other employees who are all blood pathogen certified every year.

Councilman Cortellessa questioned what is the value to Wanaque to have a tattoo parlor in our community?

Mr. Lugo stated I actually do a lot of charity work with Pompton Lakes and any other school boards that come to me for their tricky trays, etc. I donate gift certificates to the store so they can auction them off. I also donate to other charities.

Councilman Cortellessa questioned what type of value having that type of business in the community?

Mr. Lugo answered I actually do cater to your community already. They come to Pompton Lakes to get my services.

Councilman Cortellessa questioned what other communities do your clients come from?

Mr. Lugo answered pretty much every neighboring town. A big portion of my clientele are firemen, e.m.s. and police so I get them from all over and I do have a following for the many years I have been tattooing, so I have people that are just long term clientele that follow me.

Chairman Foulon stated for your information it is a permitted use and very stringent Ordinance governing the tattoo parlor. I read it in detail, but I don't know if you all read it or not. This will definitely keep our Health Officer busy.

Councilman Cortellessa commented that he looks at businesses as to what their added value is to our community. Our community has been changing over the years. I know I haven't been here a lot of years, only 11, but the community is changing dramatically. Our traffic patterns are changing, our businesses are changing and I think we need to look at businesses that add value to our residents that provide them with services that are definitely needed by our residents and that is a key issue that we have in terms of quality of life. So I think we need to look at businesses from that perspective whether it be a tattoo parlor, a restaurant, a boutique or anything else. What do our residents really need and what brings true value to our community and makes it a better community to live in?

Chairman Foulon stated I think the onus of that is on the Mayor & Council and their permitted uses.

Councilman Cortellessa agrees, but the Planning Board also has a view that they need to make sure that they are doing the right thing for the community.

Member Slater commented many years the only ones that had tattoos were truckers and sailors and I think it has become a boutique type of thing. A lot of men and women have tattoos from wrist to shoulder and other areas of the body. It is no longer considered ugly; it is an adornment.

Councilman Cortellessa stated I don't criticize people that have tattoos; I am a Marine. I know about tattoos. I am coming from the perspective of what the value is of any business that comes into our community.

Member Slater stated you bring somebody that may use the deli next store lunch, or maybe the barber shop across the street and create foot traffic in the town. You have to look at that way. I know where he is right next to the barber shop and you have the café nearby.

Mr. Lugo stated I have been in business two years in the Pompton Lakes location and I actually do work with the businesses to advertise with each other. This is one of my flyers and have worked very closely with Tony's Pizzeria and my flyers go out their pizzas, which they actually do deliver to Wanaque as well. I have current business in the area, and I do bring a lot of foot traffic that helps the neighboring businesses, including the barber shop because people are waiting for my services and sometimes they will bring a friend along and the friend will go next door and get something to eat so the other businesses do gain from me being in business.

Chairman Foulon questioned how many artists will you employ?

Mr. Lugo answered as of right now I have myself and two other artists. I plan on possibly having up to four artists at once.

Chairman Foulon questioned all of them will be licensed?

Mr. Lugo answered everybody will be licensed and everybody will be certified in blood borne pathogens annually. We also go through 2,000 hours of training to become tattoo

artists and I do thorough background checks on everybody. I don't want any type of bad element. I am a father of two and my kids do spend a lot of time with me and come to the store so I don't want any type of bad environment. I live in the community and I plan to live in Wanaque after I open my business; I am trying to buy a home. I want the best for the town as well.

Councilman Cortellessa questioned what do you anticipate the traffic to be?

Mr. Lugo stated to be honest with you we are not an extremely busy business. We get anywhere from five to ten people that visit us a day and they stay for long term, so it is not a big in and out traffic. Most people stay in since they are there for an hour to three hours. Member Slater commented I think the improved parking may boost your business.

Mr. Lugo stated there is a parking lot in the back. I am not sure how many spots, but it is a large lot. It does have adequate spaces for our employees and clientele.

Chairman Foulon questioned what are your hours of operation?

Mr. Lugo answered we normally open from Noon to 9pm and we close at 10pm on weekends.

Councilman Cortellessa questioned you are open seven days a week?

Mr. Lugo stated currently I am, but my Sunday hours are earlier since we close at 6pm.

Chairman Foulon went over the inspection reports and you are not in compliance yet.

Mr. Lugo stated I understand. I am willing to do anything to get into compliance. I do have a basic draft of the plans of what I plan to change in the place. There is some plumbing that will need to be done, but there are several sinks in place that I will be taking advantage of.

Chairman Foulon questioned there are some walls that have to be put up?

Mr. Lugo stated I have partitions that will separate space and give the clients the privacy they need.

Member Leonard questioned you are in Pompton Lakes for two years?

Mr. Lugo answered yes I am.

Member Leonard questioned if you had any bad experiences there with your clientele?

Mr. Lugo answered honestly no. I actually lived in Pompton Lakes just before I opened my business. I love the community and I have no problems in my business whatsoever. We haven't had any type of issues with the town or with the health department. The police have never been to my store for any reason other than to actually get tattooed.

MOTION TO APPROVE NEW BUSINESS SUBJECT TO MEETING ALL OF THE CONDITIONS OF ALL OF THE INSPECTIONS AND NO CO SHALL BE ISSUED UNTIL ALL INSPECTIONS ARE APPROVED AND A LICENSE ISSUED BY THE WANAQUE HEALTH DEPARTMENT:

made by Member Slater, seconded by Member Ryan. Voting yes were Chairman Foulon, Members Platt, Ryan, Powers and Slater.

Voting no were Councilman Cortellessa and Member Spear. Member Leonard abstained. Motion Carried

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

RESOLUTION: None

VOUCHERS: None

MOTION TO ADJOURN AT 9:40 P.M.: made by Member Slater, seconded by Member Powers. Motion carried by a voice vote.

**Jennifer A. Fiorito
Planning Board Secretary**