

Borough of West Paterson

Planning Board



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WOODLAND PARK PLANNING BOARD PLANNING BOARD MINUTES

May 9, 2011

Meeting called to order at 7:31 P.M. by Chairman Webb.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS PRESENT: TOM WEBB, COUNCILMAN DI DOMENICO, TRACY KALLERT, BILL KARP, SHERRY VAN DYK, MAYOR LEPORE, KEITH TANSKI, CARLO RENNE, DORA DAVENPORT AND RICHARD BERNSTEIN

ALSO PRESENT – JOSEPH WENZEL, BOARD ATTORNEY
DON NORBUT, BD. ENGINEER
KATHRYN GREGORY, BD. PLANNER

FLAG SALUTE

A motion to approve the minutes of the April 11, 2011 meeting was made by Mr. Renne, second by Mr. Karp and approved.

ORDER OF BUSINESS

Chairman Webb announced he received a letter of resignation from Mr. Kassai as a result of his recent election to the Board of Education. Thomas Adamo has been appointed to the Planning Board. Mayor Lepore thanked Mr. Kassai for his service to the Board.

DOCKET # 11-03 – TD BANK N.A. - 1235 MC BRIDE AVE. – BLOCK 96 LOT 14 & 15
– PRELIMINARY/FINAL SITE PLAN – BULK VARIANCES

Damien DelDuca, attorney for applicant, stated they were here to continue the application for property located at the intersection of McBride & Lackawanna. At the 4/11/11 meeting the Board heard extensive testimony and their presentation. The application is for preliminary & final site plan. They proposed to demolish the existing restaurant and put up a bank branch. During their presentation the Board made a decision that it is a permitted use. The property is located in two different zones. At the last meeting the Mayor and the Board stated they consider this property as a gateway to the community and asked that they change

the building façade by considering brick or some other material. They also discussed signage and the pylon sign and the Board asked them to come back with a rendering of the signs in proportion with the building. They went back and did that and the bank has agreed subject to the application being approved to use another building. The building is primarily brick. The exhibit shows the building as well as the signs. The cost of this building is substantially higher but the bank is willing to make that change. They also had review letters from the Board professionals and they have addressed those comments. The planner and engineer have already responded to the revised plans. They think the application is ready to be voted on. He marked an 8 x 11 color rendering of the building A-6. The first page is the same as A-5 but just a smaller version. The second page shows the building materials and the signage. They have also agreed to streetscape improvements similar to the center located to the east. They also have those improvements on the site plan.

Mr. Wisotsky, engineer, was previously sworn in. He referred to exhibit A-7 which was a colorized rendering of the site plan dated 5/2/11. The landscaping is superimposed on the plan. The building footprint is almost exactly the same. They did have to adjust the building to fit the landscaping and plantings. They have added pavers and decorative lighting that matches the property to the east. The fence was proposed at 8' and they agreed to 8' across the rear of the property and 6' to the east of the property. The fence will be 3' in height within 15' of the street. They have moved the cross walk behind a controlled stop which is fully ADA accessible. They did some minor technical tweaks that T & M mentioned in their review letter. Councilman Di Domenico asked him to point out where the 3' high fence was located. Mr. Wisotsky pointed it out. Councilman DiDomenico asked if they considered not putting up a fence. Mr. Wisotsky said they did but the bank prefers a fence for security reasons and branding purposes to show their individual lot. Councilman DiDomenico said he took a photo of that section and there is some landscaping there now. He was wondering what will happen to the bushes if they put in the fence. He thought the building with the clock tower was relatively new. Mr. Wisotsky reviewed the photograph. Councilman DiDomenico said he did not want to lose the affect of the other building. Mr. Wisotsky said the fence would be wooden board on board. The fence on the other property is white vinyl and if the Board would like them to match they could switch it to vinyl. They prefer the look of the natural wood with the landscaping in front of it. Councilman DiDomenico asked if the bushes were on their property. Mr. Wisotsky said they may not be on their property so they would remain and the fence would go behind them. You would not see the bushes coming east on McBride Ave. They did not consider eliminating the fence. Councilman DiDomenico asked if he had an opportunity to see the letter from Sgt. O'Brien. Mr. Wisotsky said he did and was going to talk about it when they got to the review letters. He said his one contention was that he would like to see one more handicapped spot. They will agree to add the second space. Councilman DiDomenico asked if the building was now a masonry building. Mr. Wisotsky said yes it is real brick and not a brick façade on all 4 sides.

Mr. Wisotsky referred to the sign rendering dated 5/2/11 which was marked A-8. They had proposed 2 signs on the front, 1 sign on the east, 1 sign on the west and the pylon sign. They were proposing roughly 100 sq. ft. on the building. Some of the signs did not fit with the new façade so the sign proposed on the east side of the building has been eliminated.

They are left with 3 signs. Two signs on the front, the first is TD channel letter sign that is 17.6 sq. ft. sign with an overall height of 2'4 7/8". There was some confusion so he is presenting this exhibit to put it to rest and show the size of the signs. The TD Shield is a 29.37 sq. ft. sign and is 5' 1 3/4" in height. He pointed out the signs on exhibit A-5. The other building mounted sign is # 5 which is also a TD Bank channel letter sign that is 33.82 sq. ft. and 3'4" in height. On the channel letter signs the area is the square area of the entire sign but the brick shows through about 1/2 of the sign so it is not completely sign area. The building mounted signs as proposed now are 81 sq. ft. of signage and three signs. They require the same variances as before. The only other sign on site that is non-directional is the pylon sign that is 15' tall and 37 sq. ft. on each side for a total of 74 sq. ft. This also requires a variance. He stated the signage they are proposing now is less intense than the restaurant signs. The pylon sign is also less in square footage and height. He referenced the Capitol One bank signs that were in another application where their building has only 2 signs and they are proposing 3 but the total square footage approved for Capitol One was 102 sq. ft. and two signs and they are asking for 81 sq. ft. in 3 signs. The rendering marked A-5 gives a prospective of the pylon sign in relationship to the building and he felt they were proportionate for the site.

Mr. Wisotsky referred to the reviewed letters and noted they will be adding the second ADA space requested by the police dept. They addressed most of the items from the Board engineer and they will still be willing to work on minimizing the amount of lighting and still make sure they provide the amount of lighting they have to. They will drop of the height of the decorative acorn lights as requested by the engineer. They met with the fire dept. to clear up the request for sprinklers and the Fire Official was fine with it. They have not received a revised letter from the Fire Official. They received Ms. Gregory's letter and will talk through the variances.

Ms. Gregory asked if the professionals received a copy of the sign plan. Mr. Wisotsky said it was created for the meeting and not distributed. He said the signage table on the site plan was resubmitted. Ms. Gregory asked which pylon they were using. Mr. Wisotsky said the one shown on the architectural rendering would be the post they will use on the pylon sign. The architect was present and could testify also. Ms. Gregory thought the Board should be clear on the sign they are approving.

Mr. Bernstein asked how tall the pole was on the restaurant pylon sign. Mr. Wisotsky said they did not get a survey of it so he did it by the old school method by standing next to it. He knows it is taller than 15' and his guess is plus or minus 17'. Mr. Bernstein asked if they needed a variance for that sign at the time. He asked if they would need a new variance if they already had an approval. Mr. Wenzel said because that restaurant has been there so long his guess would be there was probably not a requirement at that time. He felt the sign being there for so long might carry some weight on the request for the variance.

Mr. Wenzel asked if they had any indication where the 2nd ADA space would be put. Mr. Wisotsky said the second space would be directly south of the proposed ADA space. Mr. Wenzel asked if there would be a reduction of parking stalls overall. Mr. Wisotsky said the van accessible space is already there so they are not losing any spaces. Councilman

DiDomenico asked if that would interfere with the travel of the fire truck. Mr. Wisotsky said it would not change at all. Councilman DiDomenico asked how much taller the pylon sign is than what is required. Mr. DelDuca said they are permitted 10' and 15' is proposed. The ordinance permits 12 sq. ft. per side of signs and they are proposing each side at 37 sq. ft. Councilman DiDomenico said it is a little more than 3 times the size permitted. Mr. DelDuca said that was correct. The pylon sign is 5' taller than permitted. Councilman DiDomenico asked if they considered making it smaller. Mr. DelDuca said they did. They heard the Board's concerns but the sign is crucial to the bank in their opinion. The bank is willing to make the changes to the building, the streetscape improvements and a lot of other changes that may not be in the ordinance but they are willing to do it subject to approval of the signs. They do think it is that important and that it is consistent with what is there today. They thought 12 sq. ft. that is permitted is not large enough for this use.

Chairman Webb asked Ms. Gregory if as part of the review of the Master Plan if they are looking at signage and the reasonableness of the regulations in the ordinance. Ms. Gregory said after the Master Plan is completed there is usually a recommendation to review the zoning regulations because of the number of variances requested for signage. She said when a sign is too small it is not a safe traffic condition when people don't know where a certain business is. The site is a fairly large site and one of the things they should be talking about is the relationship of the size of the signs to the size of the site. She did not think the sign was necessarily oversized and felt the larger post helps to mitigate the size of the sign. She did not think the size of the sign would look appropriate to the scale of the site so you would have to sort of weigh those two things. In her opinion she would agree that it would be too small for the site.

Mr. DelDuca agreed with Ms. Gregory's comments. Another issue for the justification of the variance as it relates to this one sign is you weigh the benefits of the sign and how it advances the purpose of zoning against any detriments and traffic safety and site identification would be one. Another balancing question would be the overall improvements to this site compared to what is there today. This is part of an overall application and companies like TD Bank look for adequate signing which is critical to their success in their opinion. If the Board looks at the improvements and the new gateway they would be establishing along with the building next to it that they did such a nice job on they would agree with him that the benefits of that clearly outweigh the detriment of a sign of this size. He felt this was an easily justifiable variance.

Mr. Norbut said he was satisfied with the applicant's engineer in satisfying their comments. The one issue is the lighting but he will defer to the ATM guidelines but if there is a minimum they should shoot for the minimum and nothing in excess of that. Mr. Wisotsky said they are okay with that and are shooting for the minimum. Based on their experience this is the best design but if you put 4 engineers in a room you will probably come up with 4 lighting plans. They will work with T & M to adjust any lighting. They are willing to make sure T & M is comfortable with the proposal.

Chairman Webb said this is a totally evolved plan from last time and they have addressed many of the concerns the Board had. While the sign seems to be large and certainly exceeds

the ordinance he would take Ms. Gregory's comments and appreciate the need for it. He knows there are other banks and one is directly diagonally across from this site along with Capitol One bank but each of them have one large sign identifying the property. He thought the view of the building and minimizing the signage even though it exceeds the regulations has gone a long way to satisfy concerns from last time.

Councilman DiDomenico said he doesn't disagree that the sign is in proportion with the building and the fact that only two sides of the building have signage on them but if this Board remembers when the other bank was here part of their logo was an arc and the Board held their feet to the fire and made them bring the arc to within the perimeter of the regulation. He was concerned about taking care of one corner and granted there is a pylon sign there now for the restaurant but diagonally across the way there is another bank who may want to possibly want a larger sign because a precedent has been set. One of the hallmarks of this Planning Board is their attempt at continuity and consistency with applying the regulations not only for signage but a number of issues that they have wound up in court for such as subdivision and lot size. He wondered if going from 3' X 4' to 6' X 6' is a little bit much. He did not want to create problems for the Board down the road by a precedent being set when you have another applicant come in. They will point to this and granted the Board can say that certain concessions were made to make the building nicer and what not but he is just concerned they have the ordinance and this is the first time he is hearing people say they want to deviate from the regulations. In the past they have held as tight as they could to it. The other question he had was they talked about the security around the ATM and assumes they are talking about the outdoor ATM walk up. He asked where that would be. If you are coming from Paterson to Little Falls he asked if it would be behind a 3' or 6' fence. If you are talking security and someone coming down McBride can see somebody at the ATM it is a lot more secure than being behind a fence. Mr. Wisotsky said the ATM walk up in front is to the left of the main door and the 2nd one is a drive up on the front left corner. It is the drive up that would be behind the 6' fence. Patrons do not get out of the car. The walk up ATM is inside the building. There is a video security system for the outside.

Mr. Tanski asked how the pylon sign is illuminated. Mr. Wisotsky said it is internally lit.

Mayor Lepore noted he asked for a little brick on the tower on the original plan and the applicant comes back with this. It is quite remarkable because normally we have to battle applicants to get close to what the Board would like to see. The fact after one meeting to go from the original proposal to this one is just speaks well of the applicant. The applicant heard the Board say that this is one of the major entrances to the borough. He felt the signage may exceed the regulations but they have discussed in Master Plan meetings the need to try to encourage businesses to come into the borough and one way of accomplishing that would be to reduce the number of variances they would have to face when they come into the borough. He knows signage is important but they don't want the town to look like a circus. If you look in other towns that are not as stringent they do sometimes have a carnival atmosphere. What other towns want to do is one thing but what they want to do is encourage investment in the town. Speaking for himself he likes what they did and thought it was a very rich looking building. Coming from a Mayor's prospective he is also looking at the ratable value of this building. He hopes TD Bank is here for ever but the fact is this is

a large plus to the borough and adds value to the borough. It sends a message that Woodland Park is open for business in these difficult times. He noted for full disclosure that he is not a customer of TD Bank. He likes what they have done and everything seems to fit.

Mr. Bernstein said he agrees with the Councilman that if they set a precedent, there is a bank on the other corner and there are two other corners where you can have 4 corners with big signs that exceed the ordinance. It bothers him because the Board is leaving themselves open to the carnival atmosphere. He liked everything else but felt the sign could be made a little smaller. They have been able to grant variances up to 20% but they are talking about a much larger variance than they would normally do. You would still see the sign if it was smaller. Councilman DiDomenico asked if they would consider a 5' X 5'. Mr. DelDuca said the answer in short would be no because what they have tried to do is meet their business needs but strike a balance and not create a carnival atmosphere. They think this plan accomplishes that very well. They don't think a sign of this size although it does exceed the ordinance because it is very restrictive is too large. What he would say to the bank and the other businesses on the corner of the intersection when they ask about the large sign is if they build something like this and redevelop the site with this type of overall improvement like they got from TD Bank then it may be something they would consider as an overall benefit that is weighed against the detriment. In this case there is no architectural control ordinance and if the Board denied the sign variances they would have the right to come back and ask them to put up a building they don't control because the ordinance doesn't permit it. What they have done is they care a lot about the building, the sign is an issue, they care a lot about other things and they have given everything else they have asked for at the cost of letting them keep the sign. If the sign wasn't so important he would not be given them such resistance. In speaking with the bank they are willing to make all the improvements including the building as long as the sign package they are proposing is approved. Otherwise that changes things. They think that is not a lot for the Board to grant in comparison to the other improvements that have been discussed. He stated 37 sq. ft. is not in the relative sense a large sign. It does significantly exceed the ordinance but a 6' X 6' sign is not a huge sign. The rendering shows how the sign is going to look and he did not think the sign stands out as ridiculously large or something that is a bad thing. They think it fits especially for a busy corner and it is shorter than what has been there for 40 years. It's important to the bank and asked the Board to consider the signs as proposed.

Mayor Lepore said he rarely disagrees with the Borough Engineer but he is going to have to disagree with him in the case of the lighting. Given the fact it is on a corner he would like to see it lit up a little more for the safety of the people. He felt vandals are also less inclined to go to a well lit site. He did not think he wanted to see the minimum standards. He would not have a problem having more lighting than is required. Mr. DelDuca said they would agree as a condition of approval that the engineers can collaborate on what the lighting level would be. In the unlikely event they could not reach an agreement then they would report back to the Board. He was sure it would not be a problem.

Chairman Webb asked Ms. Gregory about the size of the sign that they would allow and may potentially be detrimental to traffic. She also said this sign was not unreasonable but could be slightly minimized. He asked what her thinking was if she was to minimize it. Ms.

Gregory said a 12 sq. ft. sign is fairly small for this type of road. She felt something larger would be warranted. It seemed some of the members feel the size and scale of this particular sign is fairly large. She does understand about setting a precedent. There are two factors at play, the size and scale of the site and also what type of road is this sign on and can it be seen. Someone stopped at the light could see a smaller sign but someone driving along quicker may or may not see the sign in its entirety. She definitely thinks the sign should be twice as big as the ordinance permits. The rest would be up to the Board.

Chairman Webb asked the square footage of the signs on the buildings. The total square feet is 81 sq. ft. He asked the size of them individually. Mr. Wisotsky said the shield on the left is 29.37 sq. ft., the TD Bank channel letters over the door is 17.6 sq. ft. and the TD Bank sign on Lackawanna side of the building is 38.8 sq. ft. This is based on the ordinance definition which is the outer limits boxed in. Councilman DiDomenico asked if the signs on the building were larger than the ordinance requires. Mr. DelDuca said yes in some instances but not all. Councilman DiDomenico said he knows beauty is in the eyes of the beholder and it is a beautiful building but the most recent bank constructed in the borough was built from scratch in an empty field where nothing was torn down. That building went up and is a good looking building as well but the Board had them hold close to the ordinance. He did not remember if they gave them a variance. Mr. Wisotsky said he mentioned before that the Board approved more square footage for the Capitol One bank then they are proposing. The Board approved 102 sq. ft. of signage on that building. Councilman DiDomenico asked about their pylon sign. Mr. Wisotsky said that pylon sign is 24 sq. ft. of sign. Councilman DiDomenico said even if the sign was 5' X 5' it would be larger than Capitol One. He asked if they would not consider making their pylon sign 5' X 5'. Mr. DelDuca said they have considered it. Councilman DiDomenico said and the answer is no. Mr. DelDuca said they have considered it but would they like a building like the original plan or would they like a building like the new proposal. Councilman DiDomenico said he would like the new proposal with a smaller sign. Mr. DelDuca said he is trying to be diplomatic. Councilman DiDomenico said he is representing his client very well and he is representing Woodland Park. He felt this was a great proposal and a good addition to the corner, he is just concerned about the sign. He does recognize that the ordinance regulations are probably impractical and the Chairman made a good point with the planner and working on the Master Plan. He felt once this is done they will have to come back and revisit the signage. He is only asking for a little concession. Chairman Webb said he will echo the Mayor's comment about the applicant and thought they had done a lot. They have complied with almost everything they have asked. He agreed the signage is beyond the ordinance but the Board have all questioned the validity of the ordinance in today's world. He thought the streetscape, the building itself and the parking is just a very radical departure from what they had a month ago and something they should be applauded for doing. He did not mean to make a case for them but felt it was a matter of give and take. He agrees they do not want to set a precedent of granting huge variances but thought in this case there is a rationale for it. Councilman DiDomenico stated he just wanted the Board to remember this in the future when other applications have this issue.

Mr. Karp said, however, the bank is giving a great deal where another applicant may not give or take to the same degree as this applicant. He said this case may warrant what they

might grant but in another case the same degree of cooperation may not be there. Chairman Webb agreed. He said back to the Councilman's point how they have not always granted the variances he thought where an applicant is willing to work with the Borough they have been more willing to meet them.

PUBLIC OPEN – CLOSED

A motion to approve with conditions mentioned including lighting discussions, ADA parking space and installation of cherry trees was made by Mayor Lepore, second by Ms. VanDyk and approved by a vote of 9 – 0.

BREAK – Call to order 8:46. Roll call. All present.

DOCKET # 11-05 – BERKELEY COLLEGE – 44 RIFLE CAMP RD. – BLOCK 41 LOTS 1, 1.03 & 1.04 – PRELIMINARY/FINAL SITE PLAN/BULK VARIANCES/DESIGN WAIVERS

Mr. William Sullivan, attorney for applicant, stated this is an application to continue the upgrading of the campus. They are here tonight for site plan approval, sign variances and design waivers to improve the access road into the campus. They will be adding bus accessibility and will be sprucing up the entrance with some signs and walls. This is primarily an engineering driven application and they are not here for new uses or new buildings. They are here to fix up the road network and entrance. They have had a dialogue through correspondence with the Board's professionals and will address all of those comments. They do have two design waivers they will need that are relatively minor and actually granting the waivers requested will better protect the environment from disturbance. Other than those engineering aspects the other issue is the signs which the Board just spent some time discussing. They will present testimony on the need for the signs they are proposing and the need for the size of the signs.

Leonard Savino, partner with Langan Engineer, was sworn in. He stated his qualifications and was accepted as an expert engineer. He prepared the plans that were submitted to the Board. The plans he is using this evening are identical to the plans submitted. He stated the existing roadway and entrance is paved and there are two signs flanking the entrance. The paved entrance is less than 20' in width and they have no curbs. There are no storm drainage facility so basically the storm water runs down the driveway and goes into the county roadway. In an uncontrolled manner the storm water has been eroding the edges of the pavement that is there. The pavement is in pretty bad shape. They are proposing improvements along the entire length of the driveway all the way to the buildings in the back where they are proposing a ramp for pedestrian accessibility.

Mr. Savino said on the site plan, the proposed roadway improvement includes widening it to 24' which is consistent with two way traffic. The 20' that is there now is not applicable for two way traffic. They are flattening the radii on both sides of the entrance and providing a sidewalk that continues up all the way through to the back of the campus where they are proposing an access ramp. The pedestrian traffic will actually cross over the entrance to get

to the bus turn around area. They are proposing two new entrance signs. The bus turn around has been designed in accordance with the largest bus that NJ Transit uses. They have provided turning templates to show the bus can make its way up in and around the turn around and back out safely within the pavement and not on top of any of the curbs.

Mr. Savino discussed the design waivers. One of the waivers is related to the maximum grade permitted for the street. The maximum permitted is 12%, part of the entrance road is currently 15% and they will be going to 12 ½ % maximum. The design waiver they are asking for is to be 12 ½ % instead of 12% that the ordinance permits. They can't make it down the extra ½ % because they are already coming down from 15% and to continue to get to 12% would require cutting into the slope an additional foot to two feet that would make it steeper further up the slope. They do have a landing area that is going to be at 4%, it is wider than what is there now and is certainly an improvement for about 30' back from the property line. If they do push it to 12 % it will certainly make it steeper on the back side.

Mr. Savino said there is a requirement in the ordinance that requires a 4' grass strip between the curb and the sidewalk. They are asking for a design waiver to not put in the 4' grass strip. If they do put it in along the entire roadway they would be disturbing a significant larger area. They would have to remove more trees and excavate further into the rock which they do not think is necessary. They think the grass would probably not even grow because of the trees and the shade. The intent was really to have that near the approach of the buildings and not on an entrance roadway. Mr. Savino stated right now as you approach the exit to Rifle Camp Rd. the sight line is a little obscured. When they open it up it will be easier to see. It will allow for cars to maneuver better in and out. Pulling back the signs from where the existing signs are will improve the sight distance. The road is under the jurisdiction of the county and they have filed an application to the county Planning Board.

Mr. Savino said in reference to the drainage he testified that under the current condition there is no drainage control at all and often they find a lot of gravel getting washed down with soil to Rifle Camp Rd. which gets into the county sewer system and is not a good thing. This improvement is significantly improving the on site condition as well as the county road. The applicant is proposing new inlets, new curbing to convey the flow to the inlets, a collection system and also some small subsurface detention areas because they do have a little bit of an increase in impervious surface that is less than a ¼ acre. It is enough to require to have to do a little bit of retention.

Mr. Savino said right now the electric is all overhead and they are going to put it all underground to feed the lights and also telecommunications.

Mr. Savino agreed there is a requirement in the ordinance that they have to develop the entire tract ultimately that keeps 50% of it as open space. They have shown how they are well into compliance with that. They do have a correction from what was shown in the table where they show an open space of 67.6 and that was actually an error in not considering the other two lots. The entry way actually goes through another 2 lots. If you correct that it should actually be an existing open space of 79.8% and they will be reducing by ½ of 1 % so 79.2%. They are still way above the 50%.

Mr. Savino referred to the T & M Associates letter of 5/5/11. They can comply with all of the comments except for some items. The first item is under traffic 2.2. The issue here is the request the sidewalk along the roadway be 5' wide. The ordinance only requires it to be 4' wide and they would prefer it stay at 4' wide. Mr. Savino said you create an additional disturbance and more impervious area. There would be more disturbance of trees and more rock excavation. It is not necessary because it does meet the ordinance and around the bus turn around they have a 6' wide sidewalk. Mr. Norbut asked if he could address each comment. He stated typically the way they design a sidewalk on a collective road as opposed to a local road is anytime they have curb and sidewalk abutting you don't have the strip they widen the sidewalk to 5'. The reason for that is public safety because the pedestrians are right up against the curb. He does not know how many students walk up to the school so he doesn't know the number of people they would be talking about. The rule of thumb when designing sidewalk for municipal design projects is a 5' wide sidewalk for public safety. There are a couple of areas he pointed out where they can meet the ordinance design standard of providing the 4' wide grass island. He felt the 4' wide grass island would line up the sidewalk better in that area. Mayor Lepore asked where it was. Mr. Savino pointed it out. They are proposing a 4' wide sidewalk from Rifle Camp Rd. to the bus turn around then a 6' wide sidewalk and then back to 4' wide into the campus. He pointed out the portion Mr. Norbut was referring to. Mr. Sullivan pointed out it is not a collection street but essentially a private driveway. Mayor Lepore thought there would be very little pedestrian traffic from Rifle Camp Rd. up to the bus turn around. Mr. Savino agreed. Mr. Norbut said it did make sense. Mayor Lepore said he did not see the need for a 4' sidewalk from Rifle Camp to the turn around. Mr. Norbut said they did not report how many students they expected to use it so he did not know. Mayor Lepore asked if they could provide some sort of pedestrian count.

Tom Alessandrello, Vice President of Operations for Berkeley College, was sworn in. He stated they do not have a count but right now there is only a handful of students who walk up the hill. At one time there was a bus that went to the PNC Bank but there is no longer a bus stop there. There are not many coming up from Rifle Camp now. Councilman DiDomenico said the sidewalk after the bus turn around that will be further up in the campus would be 4' also. Mr. Savino said yes and there is no 4' buffer between the curb and sidewalk. There is a six inch wide curb so there is 4 ½' to walk on. Councilman DiDomenico felt it was not unreasonable to see the sidewalk in that section be a little wider. Mr. Savino said there would be more pedestrian traffic there certainly and hopefully people will begin to take the bus and reduce the vehicular traffic. Mr. Savino said right now they are walking in the pavement so they thought 4' meets the ordinance and you do have a curb as well. Chairman Webb said if they are talking about meeting the ordinance they are also talking about the 4' buffer between the curb and the 4' sidewalk. The fact is the pedestrians, which there will be more of, will be right against the curb so perhaps a slightly wider sidewalk is better in order not to go for the 4' buffer. Councilman DiDomenico felt it was more reasonable to expect to have a wider sidewalk from the bus stop further into the campus. Mr. Savino said it is something they could look at but as you come around the edge it starts to get a little steep and might be more of a grading challenge. It would also increase their impervious and disturbance areas. They are right now just underneath the 1 acre of disturbance and quarter acre of new impervious. They have designed around that so they

would not be required to do a large amount of subsurface detention which would require them to excavate further into rock and disturb more area. That was something they were considering when they were designing because it is an important point that should be brought up. Chairman Webb said they could add a 4' sidewalk with a 1' buffer. Mr. Savino said they both go to the disturbance area so they would have to look at it.

Mr. Bernstein asked if the college considered a shuttle from the bus to the campus. He asked what the distance was. Mr. Savino said it is about 350' which is a short walk.

Mr. Savino referred to the Board Engineer's letter. Mr. Norbut suggested a small curbed aisle in the middle of the roadway. Mr. Savino pointed the area out to the Board. Right now they are showing a depressed Belgium block curb to establish the turn into the parking area to the right, however, there are ADA spaces near the building that an island in the area would prevent from having free flow to those spaces. That is certainly going to be a problem blocking the spaces. Right now cars come down and slow down to make the right turn. It will now be far easier to push the traffic flow in that direction. Mr. Norbut said it was a suggestion because of the large expanse of asphalt.

Mr. Norbut's letter noted that the cross slope of the cross walk at the bus turn around should meet Federal ADA guidelines. Mr. Savino said where the existing crosswalks are the slope of the road is about 9% so the cross slope would be 9%. They did take a look at that and they can't change the road slope. Mr. Savino said they are improving the entrance way, they are flattening out to 4% and pulling back into the slope for about 30'. The county requirement is 2% for 50' back and to do that would be a significant impact. That is not an option they would want to do. They are doing an improvement for about 30' back. Mr. Norbut said he would defer to the county on that item.

Mr. Savino said the turning templates show that a bus can make the turn around without having the front end of the bus crossing over the curb. The template stays within the paved area curb to curb. Mr. Norbut said the turning templates do seem to work on the roadway network they designed. However there is no room for driver error. Mr. Savino said the templates are very conservative and there is room in there for driver error. They are showing a very large bus. Mr. Norbut said his comment was only that the templates leave no room for driver error. If the applicant feels he can't get a little more room there they do meet the standards.

Mr. Norbut asked for an environmental impact statement and Mr. Sullivan said he prepared. It was circulated on Friday, May 5th and it is fairly brief because they believe the environmental impacts here are fairly brief. In reality the relief they are seeking here will reduce the environmental impact. Most of the impacts listed are inapplicable. They will take appropriate steps to minimize construction impact. The only residential property is on the other side of the property so there will be no impact there. Mr. Norbut said due to the large number of trees and the size of the trees being taken down he thought it was appropriate to have a brief statement prepared in regard to environmental impact. The whole tract is a wooded area and the removal of 50 trees doesn't have a great impact on the site but with all due respect to Mr. Sullivan he doesn't know if it is appropriate to have the

attorney write the EIS even though it is a brief statement. He thought it would be more appropriate to come from Langan Engineering but he thinks they have addressed the standards he was suggesting. Mr. Sullivan said as a condition of approval he could have Mr. Savino sign it and seal it.

Mr. Sullivan said there are many of the drainage comments they can comply with but they do have a few comments on some of the issues. Mr. Savino said they did use a .3 for impervious cover and that was recommended by the county when they met with them. Since the majority of the storm drainage is going into county facilities they followed what was recommended for impervious coverage. They have been trying to minimize the disturbance for various reasons. He referred to the utility plan that shows the storm drainage. The storm water flows to the north and southeast. They have 2 storm inlets with a collection pipe between them and they upsized the pipe to serve also as a detention system. There is access for maintenance either through the inlets or through the manhole. It made sense to upsize it and put a control structure. Mr. Norbut said his comment was about maintenance and the testimony is fine. Mr. Norbut commented on the deep eroded channels on the site. Mr. Sullivan said that is a lot of what this project is about and it will help to prevent that. Mr. Savino said they will collect the storm water, convey it to the next collection point and that is what they have done. They think they will see significantly less erosion issues here and hopefully they will go away entirely. Mr. Norbut said his comment was only an observation. He understands to build a structure they would widen the disturbance and there would be a further expense but they may find problems moving forward and they may have to deal with it. Mr. Savino agreed.

Mr. Sullivan referred to the Board Planner's report of 4/19/11. Ms. Gregory had 5 comments. The first comment dealt with the setback of the wall from the property line and the ordinance has height restrictions within certain distance of the property line. They have looked at that and they will address it and comply. They will pull the wall back and lower the height a little bit. Ms. Gregory said early on in the presentation they mentioned pulling the retaining walls back from where they are today. She asked how far back they will be pulling the retaining walls. Mr. Savino said they will be pulling it back about 10' to 12' further up the road and at an average of about 8'. They will be flattening the radii for further visibility. Ms. Gregory pointed out in her report that the project is an improvement over the existing condition. Ms. Gregory asked that they consider sidewalks along the perimeter of the property to coincide with NJDOT and Passaic County's complete street policy. As the professionals are aware they received a comment from Passaic County that they widen the existing pavement, put in a curb and put in a sidewalk all the way from this driveway all the way along the property up to where it borders Mina's. This is a significant problem for them. Mr. Savino said adding they will be adding pavement somewhere between 3' & 5' to the whole strip, a new curb and sidewalk. That alone pushing into the slope would require retaining walls right along the edge. So you have new pavement, new curb, new sidewalk, new retaining walls and any related drainage structures that would be required. It is a significant impact to the disturbance area, the number of trees there and the excavation into the rock which is very expensive. It would be a challenge just for constructability. Mr. Sullivan said they are preparing a response to the county comments at this point but they feel very strongly that that kind of improvement is not justified and in fact he suggested if

you look at the stretch of road it is like a nature preserve today. He did not think it was a place they wanted 400' or 500' of sidewalk.

Mr. Sullivan referred to the police letter of 4/12/11 and stated he provided a written response dated 4/29/11 which the Board may have seen. The police asked that the NJ Transit bus routes be submitted. They are communicating with NJ Transit about the restoration of service to this area but they have not made a commitment to do that yet so routes have not been determined. When NJ Transit makes a decision about times and routes they will of course provide that information to the police. They accepted the recommendation of properly signing the tow away zone and Title 39 from Rifle Camp up to the bus stop. They also accepted the comment regarding signage and marking of the pedestrian crossing. Item # 4 they have a little issue with because they are asking that Title 39 be extended throughout the interior roadways and they are not sure that is necessary. This is not a new use and the college has been there a long time. In the budgetary times the town probably finds themselves where they may want to extend police patrols into Berkeley College. He thought they made a reasonable suggestion which is if they want Title 39 jurisdiction up to the bus turn around that probably makes sense but other than that they should leave things as they are and let the college worry about the interior roadways. Obviously when there is an incident they would call the police. Item # 5 was in regard to milling and paving the roadway. Mr. Savino thought the police may have misunderstood what was shown on the drawing. The site plan shows new pavement from curb to curb all the way through. There is another plan that shows the disturbed area that looks kind of spotty. He thinks the police were looking for asphalt from curb to curb and that is what they are doing.

Mr. Sullivan referred to the Fire Official's letter dated 4/12/11. He responded in writing dated 4/26/11. He had 3 comments, first how they intended to control parking along the roadway. The college will prohibit any parking along this roadway. Second, will the roadway be open to emergency vehicles during construction or will there be an alternate entry way. When this road is being reconstructed it is going to be closed. The alternate entry will be through the gate on Garden Ave. The 3rd comment was will the entry gates operate in the same manner and be under control of the security staff to open remotely when closed. During business hours the gates will remain up as they are currently and after hours security will be provided with a lock box and card access for the fire dept. The rear gates at Garden Ave. are also available to the fire dept., the gate lock can be cut by fire personnel. Mr. Karp asked how long the road would be closed for construction because it would change Garden Ave. drastically. Mr. Savino said it is estimated to be between 6 and 8 weeks total. The anticipation is they can do it during the summer months when there is a lot less activity going on on the campus. They want to try to fit it in before the fall semester begins.

Councilman DiDomenico asked about Title 39 up to the bus turn around and if the town would have to put up signs at that section. Mr. Savino said they would have to do that up to the bus turnaround. Councilman DiDomenico said they would have to incorporate that into some ordinance. Mr. Sullivan said they would adopt an ordinance extending Title 39 into that section.

Michael Szura, Landscape Architect, stated his qualifications and was accepted as an expert. Mr. Szura stated he prepared the landscaping and lighting plans that were submitted to the Board. He stated the driveway project is a significant one for the college. It is helping to put a good neighbor mark at this part of the campus with the improvements that are enhancing public safety both on and off campus as well as raising the aesthetic bar of the campus entrance with the walls, landscaping and signs. The landscaping includes additional plantings at the front entrance. The roadway does cut through an existing wooded area where they do have to remove some trees to accommodate the new roadway and sidewalk. They have made a significant effort to minimize the disturbance to the site and they are threading the roadway through the wooded area and really enhancing it with additional plantings. They are using a lot of native species and are planting the same number of trees as are being removed. They are planting over 400 shrubs, 100 additional ground cover shrubs and over 3,000 perennials. They are trying to address the stabilization issues raised by the engineer and making the site more attractive for those coming on to the campus.

Mr. Szura referred to the lighting plan, Sheet 25.01. They are planning to utilize LED fixtures which are very high efficiency in terms of energy. They will not create a glare issue and light the area at a very adequate level. Mr. Norbut asked for an additional light pole and fixture on the west side of the large access ramp system. Mr. Szura said they are adding a total of 5 pedestrian poles and several bollard fixtures along the main spine and believe based on the lighting regulations for light level they have provided a more than adequate level. The calculations on the plan do not include the existing ambient lighting. They do believe there is an adequate level of light. Mr. Norbut said that would be fine and withdrew the comment.

Mr. Szura referred to the proposed signs. The entrance really is a strong attempt to enhance the visual assets the college brings to the community. They have designed two new retaining walls that are flanking the enhanced and improved driveway. They are showing the two walls at the main entrance. The walls have been pushed back based on comments from the professionals. The elevations will change slightly and they are also lowering the walls a little bit. They are using a stone veneer on the walls and stone piers with attractive caps and bases that will hold back the earth and allow them to support the proposed signage. He stated to the left and to the right of the main drive there are the two Berkeley College signs that are really set into the wall so it is being really designed as a system. They are not free-standing signs. The larger wall to the right of the drive does actually have the proposed LED intermittent message board sign. This sign is not a scrolling sign but is an informational sign. The purpose of it is to announce events or calendar items for the college. Messages would come up and appear and then disappear. All 3 signs are basically built into the walls. This was done based on the comments receive about visibility and sight triangles so the signs would not be obtrusive in any way in terms of being able to see on coming cars and pedestrians. The reason there are 2 identification signs is because they are on a curve and they are pointing in opposite directions so people coming in both directions can see the signs. They really wanted to give motorists the ability to see the signs and have enough time to make a decision to make a turning movement. The signs require 2 variances. They are proposing a total of 92 s.f. for all 3 signs where 28 s.f. is the maximum permitted. The existing signs are about 43 s.f. and they are not that large and are free-standing. The

proposed signs are larger but are worked into the wall in a very attractive way. The other variance is the maximum dimension on any sign is 7' whereas one side of each of the Berkeley College signs is 12' in length. Mr. Szura said they are trying to balance the size with the message that has to be on them which is obviously the name of the school and their logo. They need to be a reasonable size for the motorist to see them on the approach.

Mr. Tanski asked if the signs would be illuminated. Mr. Szura said they will be externally illuminated. There is accent lighting that will be mounted at the base to give a soft glow to the wall at night. Mr. Tanski asked about the LED sign. Mr. Szura said the LED sign would be internally illuminated. Mr. Tanski asked if that would be red. Mr. Szura said most of the LED signs are red or white but they have not talked specifically about the color yet.

Councilman DiDomenico asked if the plaque that actually says Berkeley College is built in to the masonry of the wall. Mr. Szura said that was correct. Councilman DiDomenico asked what the plaque was made of. Mr. Szura said they have talked about a couple of different materials and they are trying to pick a family of materials that would be very complimentary. Councilman DiDomenico asked if it is going to be wood. Mr. Szura said no, they would be looking at a much more durable material.

Mr. Bernstein asked if the signs would be illuminated 24/7. Mr. Szura said by natural sunlight during the day and they assume all night but they haven't really talk to that level of detail yet. The only parts of the sign that would be illuminated at night would be the area immediately surrounding the Berkeley College plaque. Mr. Bernstein asked if the information sign would be 24 hours a day. Mr. Szura said yes that was their intent.

Mayor Lepore asked if the sign was an information sign for the students or for public announcements. Mr. Szura said the original intent was to display information relative to the college. They have had discussions with the college of the possibility of offering the use of the sign to the Borough for announcement of events. The campus is on the other side of the community and it may be nice to post announcements at that location that may be posted elsewhere in the town. Mayor Lepore asked if it made more sense to put that sign in the property more to grab the student's attention. Mr. Szura said they don't want to push it too far into the site for safety reasons. They want to keep it as close to the right of way as possible for the safety of motorists. Mayor Lepore asked if the LED sign is only going to be on one wall. Mr. Szura said yes but the two Berkeley College signs are the most important. The informational sign is not going to cause the motorist to make a turning movement. The Berkeley College signs are really address signs. Mr. Sullivan said the idea of the informational sign was the idea that people in the community would now become aware of events happening inside the campus.

Mr. Renne asked if they are going to put in something for the water coming down the driveway onto Rifle Camp Rd. Mr. Szura said yes that was part of their conversations with the county. They have inlets and curbs to really control and challenge the water to remove that issue. They are flattening the bottom of the roadway to make it much safer.

Mayor Lepore said for disclosure purposes he also sits on the county Planning Board but he did not participate in this application. He asked if the county wanted them to put in a sidewalk from the entrance down to Mina's. Mr. Szura said that was correct but it is not his expertise. Mayor Lepore asked if the county is also doing a renovation of the curve on Squirrelwood Rd. in front of the property. Mr. Savino said yes but he was not sure they were going to put in sidewalks. Mayor Lepore said he would suspect they are going to put in sidewalks along the perimeter of the property which is probably why they want them to continue the sidewalk but he was not totally sure that was the case. Mr. Sullivan felt there is a difference between sidewalks on the Squirrelwood Rd./Garden Ave. side than on the woods side across from Garret Mountain. He could see some justification for them in the more populated area but he is not sure they should extend sidewalks in the other direction. They do have a county comment letter and they are in the process of responding. Mayor Lepore said he has sat in on other cases that are similar to what they are doing here and the county is pretty adamant about putting sidewalks in along the county roadway. He asked if the county expects them to put them in the front of the property. Mr. Sullivan said they have not heard anything specifically about Squirrelwood Rd.

Chairman Webb asked how the information sign will be displaying information if it is not scrolling. Mr. Szura said it is not scrolling and it is not flashing and they are calling it an intermittent message sign where an announcement would come up and stay a while and then go away and another one would come up. He believes the intent of the ordinance was to eliminate the possibility of the flashing sign but this is a type of intermittent display. Chairman Webb said he takes from what he is saying that the sign is not intrusive. Mr. Szura said they did not want it to be intrusive or scrolling and be a situation where someone would be waiting for the next word to come up. They wanted the message to be there. It may not change often at all and that is to be determined. They do not want it to be a nuisance or distracting.

Mr. Bernstein asked what the angle of the Berkeley College sign is to Rifle Camp Rd. Mr. Szura pointed out that these elevations on Sheet 2804 are flattened elevations but the signs and the walls are gently curved. There are not trees or tall vegetation at the entrance. The road curves so they wanted to curve the sign so it could be read as soon as possible and make it as visible as possible.

Mayor Lepore asked how many trees they were proposing. Mr. Szura said they are planting 47 trees. They are trying to stick to more native species of trees which he described to the Board.

Mr. Renne asked where the highest part of the road is in that area. Mr. Savino said the peak of the road is where the guardhouse and gate are. He said it flattens out a little and comes back down again. Mr. Renne asked if they made it lower if they would have a lower grade going down to Rifle Camp. Mr. Savino said it is about 7% and then it goes up to about 9% and then 12%. It is really steep as you get further down and you would have to cut many many feet in which means you would then be driving through a corridor with retaining walls left and right with sidewalks on top. It would be dangerous and it would not make sense to do that. They did look into trying to figure out the best alignment vertically and if you look

at the profile you would see the vertical curves are close to the existing but smoothes out the dimples and works much better. It is straight where it needs to be and curves smoothly where it needs to be. Trying to cut it down further to pick up a couple of degrees to flatten things always creates another problem.

Chairman Webb asked Ms. Gregory to talk about all 3 signs. She said earlier they said the existing signs were 43 sq. ft. she asked if that was each sign. Mr. Szura said it was one sign that was 43 sq. ft. She felt the signs were different because they were part of the wall and would actually be more attractive. Ms. Gregory said the square footage in total seems to be a lot but because it is broken up it doesn't seem like so much and it is separated by a driveway. She thought the board could take those things into consideration. She felt it will end up being a lot more attractive than what is there today. It is appropriate because you are talking about a roadway that is curved and the impact is a little different because the signs are actually curved on the wall. The signage plaques are 3' X 12' but it is not like you are looking at 12' straight on because they are curved. The informational sign seems a little small to her to make announcements. Mr. Szura said the dimensions of that sign are 2 ½' tall by 8' in length. Ms. Gregory said it sounded like a lot but not when you are driving down the street reading it. It depends on how large the letters are and how long the messages are going to stay there. A scrolling sign is very distracting when you are driving. A sign that intermittently changes is less distracting than a scrolling sign.

Mr. Bernstein asked if the information sign is going to be restricted only to college and community and not for commercial purposes. Mr. Szura said that is correct and it is not the intent. Mr. Bernstein asked that prohibiting commercial use of the information sign be a condition of approval.

Ms. Gregory said the retaining walls are being pushed further back into the site so in order to see those signs they do need to be a little bigger. Chairman Webb felt this was just another area that needed to be reviewed for the Master Plan and Zoning Ordinance. Ms. Gregory agreed.

Councilman DiDomenico said in his mind he sees the two retaining walls on either side of the driveway that would appear like your going into a gate into a wooded complex that would announce Berkeley College. The material the plaque is on like bronze would give it a stately appearance and give it some class. Mayor Lepore asked about the gate shown on the plan and where it is proposed. Mr. Szura said they are referring to the gate that is located further into the site on the left side which is the gate to the cemetery on the property.

PUBLIC OPEN – CLOSED

A motion to approve with conditions discussed was made by Councilman DiDomenico, second by Mr. Renne and approved by a vote of 9 – 0.

DOCKET # 11-06 – K. HOVNANIAN AT GREAT NOTCH, LLC – 101 FOUR SEASONS BLVD. – BLOCK 113 LOT 4.02 – AMENDED PRELIMINARY SUBDIVISION & MAJOR FINAL SUBDIVISION

John Caniglia, attorney for applicant, stated he would like Mr. Fleming sworn in.

Joseph Fleming, engineer, was sworn in and has been accepted previously as an expert.

Mr. Caniglia said about a year ago they appeared before the Board for an amended site plan which the Board granted as well as an amended preliminary subdivision to reorganize the future phases of the community into smaller phases. They are not here to deal with anything with engineering or site plan. There are no changes proposed and all they are seeking this evening is a minor change to the preliminary subdivision to move about 6/10 of an acre of land from Phase 5A into Phase 4B and also to seek final subdivision for Phases for 4A & 4B since construction has commenced in those phases and it would be appropriate to bring that land area into the condominium as they anticipate having closings in Phase 4A this year.

Mr. Fleming described the amended preliminary subdivision and the area they were referring to. He pointed out the color coded areas for the Board. The change they are talking about is simple taking Building 1077 from Phase 5 and pulling it into Phase 4. It is the only change.

Mr. Caniglia said Building 1077 is a Villa building and there are 3 building types in the community. This would have been the only Villa building in Phase 5 and the marketing people told him they would rather have it in Phase 4 and that is why they are here this evening. There is one technical item that they need to attend to and that is variance because they are creating a lot that does not have road frontage. They have been through this variance several times before but they do need to present the testimony on it.

Mr. Fleming said it is his opinion that this variance is justified under both the C1 and C2 criteria. He said because of the exceptional topography of the site, they are dealing with a quarry, the limited roadway access from the Woodland Park portion of the site all contribute to the fact that this is a variance that can be granted. There is no harm done to the land use ordinance and there is no precedence that would be a detriment to the community. The existing lots did not have road frontage in Woodland Park and between the land and Valley Rd. there is land in the City of Clifton. Once final subdivision is granted and these lots become appended to Lot 12.01 they will be part of the lot that has road frontage. The condition that they are faced with in creating lots in the preliminary subdivision is really a temporary condition. They have already advanced through the 1st three phases and that is what they have been able to accomplish. Once they are appended to the mother lot 12.01 they will also have access to the internal private road network and have access to all 3 ingress and egress points to the community. It is his opinion the variance can be granted without substantial detriment to the public good and not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Mr. Caniglia said they did receive letters from Ms. Gregory and Mr. Norbut. Ms. Gregory pointed out they needed the variance and the criteria for it. Mr. Norbut pointed out technically the application conforms and subdivision plans according to the map filing law

will have to be prepared. He acknowledged there were no engineering site plan changes involved in this application.

Mr. Caniglia said another item that is part of the application the Board granted an extended vesting period of 5 years for the preliminary subdivision and they are here amending that preliminary subdivision so he would ask that that also be granted. The same conditions that existed a year ago exist today. They have a situation because of the conditions of the real estate market where they are probably facing, based on the current sales pace, about a 5 to 6 year period to sell out. They would anticipate that they would be coming back before the Board somewhere in that time period to add Phases 5A & 5B with the final subdivision application to add them to the community. To be on the safe side they would ask for that extended vesting period for the amended preliminary subdivision.

PUBLIC OPEN – CLOSED

Councilman DiDomenico said the last time they were here they did some modification that allowed them to not have to cut the hillside as much and the elevation wasn't going to drop as much. There was some reduction in the amount of soil they would have had to remove from the site. That represented a significant benefit to the developer in terms of a financial savings. He asked if anything they are doing tonight would result in a similar savings. Mr. Caniglia said no this is a very technical application that is just a matter of the slight amendment to the preliminary subdivision to move a small amount of land from one phase to another and then a final subdivision for two phases so they can be added to the community. No engineering or site issues are involved in the application.

Councilman DiDomenico said in the discussion the last time he seemed to recall there was some discussion the possibility of a contribution to the town to help take care of an abandon sewer plant building. He asked if that ever happened. Mr. Caniglia said it did not. It is his understanding that there are issues involved in that and it is not an abandoned facility. It still operates. It may not be operating as a pumping station any longer but it is not an abandoned facility. He said he was a little fuzzy on the details. He believes there were some issues that had to be worked out with Mr. Galbraith on that. He doesn't have full information on it. Councilman DiDomenico asked if it was still a possibility. Mr. Caniglia said it was.

A motion to approve was made by Mr. Bernstein, second by Councilman DiDomenico and approved by a vote of 9 -0.

A motion to adjourn was made by Councilman DiDomenico, second by Ms. Davenport. All in favor, meeting adjourned.