Borough of Woodland Park

Planning Board

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WOODLAND PARK PLANNING BOARD
PLANNING BOARD MINUTES
REORGANIZATION
JANUARY 12, 2015

Meeting called to order at 7:30 P.M. by Mayor Kazmark.
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: ARTHUR MINSKY, COUNCILMAN HOLLOWAY, BILL KARP, SHERRY VAN DYK, KEITH TANSKI, MAYOR KAZMARK, PAT LEPORE, JOEL LA TORRE, JACQUELINE HERNANDEZ AND ROBERT BRIGATI

ALSO PRESENT – JOSEPH WENZEL, BOARD ATTORNEY
NORDAN MURPHY, BOARD ENGINEER
KATHERINE GREGORY, BOARD PLANNER

A motion to appoint Pat Lepore Chairman was made by Councilman Holloway, second by Ms. Van Dyk and approved by a vote of 10 -0

FLAG SALUTE

A motion to appoint Joseph Wenzel Board Attorney was made by Mayor Kazmark, second by Councilman Holloway and approved by a vote of 10 – 0.

A motion to appoint Keith Tanski Vice Chairman was made by Ms. VanDyk, second by Mr. Karp and approved by a vote of 10 – 0.

A motion to appoint Alaimo Engineering and represented by Nordan Murphy as Board Engineers was made by Mayor Kazmark, second by Ms. VanDyk and approved by a vote of 10 – 0.

A motion to appoint Katherine Gregory from Gregory Associates as Board Planner was made by Councilman Holloway, second by Vice Chairman Tanski and approved by a vote of 10 – 0.

A motion to approve meeting dates as submitted was made by Vice Chairman Tanski, second by Ms. VanDyk and approved by a vote of 10 – 0.

Mr. Wenzel, Ms. Gregory and Mr. Murphy were sworn in by Mayor Kazmark.

ORDER OF BUSINESS

DOCKET # 12-08 – NOTCHWOOD MANOR LLC – LOWER NOTCH/LACKAWANNA – BLOCK 125 LOT 1 – AMENDED SITE PLAN (CONVERSION OF AGE RESTRICTED DEVELOPMENT NJSA ET SEQ.) – Applicant has requested the application be postponed until the 2/9/15 meeting and waived time restraints. Applicant must notice.

DOCKET # 15-01 – MT. PLEASANT ESTATES, LLC – MT. PLEASANT AVE. – BLOCK 54.01 LOT 15 – MAJOR PRELIMINARY/FINAL SUBDIVISION/BULK VARIANCES – Applicant has requested the application be carried until the 2/9/15 meeting with no further notice and waiving time restraints.

Mayor Kazmark thanked Lisa Vainieri-Marshall for the time she spent on the Board. She has submitted her resignation after being elected to the Woodland Park Board of Education.

Mayor Kazmark noted there was a letter in the packet from Felix Esposito dated 1/5/15 addressed to Capital One Bank. He inquired with Mr. Wenzel a couple of weeks ago about this issue and had asked Mr. Esposito to review the access to the bank on Briarwood Ct. Mr. Esposito has not received the report that was due, so he has given them 30 days to present the report to the Board. Mr. Wenzel said when the bank site was approved they were required to provide a report in one year to the Board through the Construction Code Official as to traffic count and traffic study with regard to the entry they have to the site off of Briarwood Ct. In his review of the file and the staff it was determined the report had not been done and it also came to light during the recent Walgreen's application. This was required as a condition of the approval and they are expecting a response from Capital One in line with that.

Mayor Kazmark said for the Board's knowledge that the reason it was brought up was because they still have challenges they have to face with this site. Most of the Board members are aware that the judge did not rule in their favor with regard to the Board's denial of the Walgreen's application. They were essentially directed by the court to approve it with conditions and one of those conditions was Mr. Esposito following through to get the report that was due. Subsequently the Mayor & Council in Little Falls have adopted an ordinance regulating the intersection coming out of the Walgreens/Capital One businesses and essentially after reviewing this ordinance that was provided to Chief Galietti they are setting rules and regulations with regard to the access and egress at the intersection that is not under their jurisdiction. They are trying to regulate a Woodland Park intersection. This will need to be discussed with the governing body in Little Falls because what they are trying to do is limit tractor trailers from being able to make a left hand turn out of the site which concerns Chief Galietti because he feels they would go straight out of the facility onto

Route 46 westbound and go all the way to McBride Ave. which would be there first exit off in order to make a U-turn to go back onto Route 46 eastbound. This would push the traffic trailer traffic to the area of the Pizza Hut and the entrance to the A & P shopping center. They will have to do their homework with Little Falls in determining jurisdiction, but thought Mr. Esposito's work effort here to obtain and review the report is just as important as Walgreen's gets built out.

Mr. Tanski asked when the traffic study was first requested. Mr. Wenzel said the approval goes back many years and thought it may be 2009. He believed that over time it fell off the back burner and it is not the borough's obligation to have an applicant comply with a condition. It is the applicant's responsibility to comply with the condition. As far as he is concerned the condition is still viable and they are still responsible for it. There has been more than enough time for them to base a study or report.

Councilman Holloway asked if they have final site plan approval from the Little Falls Planning Board. He knows they have cleared the land. Mr. Wenzel said the actual build site for Walgreens is totally in Little Falls and it is only the ingress/egress that is in Woodland Park. He thought they have received all of the approvals from Little Falls but this new ordinance may cause some consternation. He also noted that tractor trailer traffic was only to happen at night which was a condition of approval.

Mr. Karp asked if Woodland Park lost the right to control deliveries with this Little Falls ordinance. Mr. Wenzel said the Board's resolution of approval which was forced by the court had conditions placed on it with regard to deliveries. The applicant agreed to comply with these conditions. He did not feel that this new ordinance had anything to do with those conditions. This is something they will have to deal with because the delivery requirements are still a condition of approval.

A motion to approve minutes of 11/10/14 meeting was made by Mayor Kazmark, second by Mr. Karp and approved by a vote of 7 – 0.

RESOLUTIONS

DOCKET # 14-02 – ESTATE OF EMANUEL BARRERA – 58 & 60 ROCKLAND AVE. – BLOCK 39 LOTS 43,44,45 & 46 – MINOR SUBDIVISION/BULK VARIANCES
Application is hereby memorialized on 1/12/15.

ORDER OF BUSINESS

DOCKET # 14-03 – 1225 REALTY, LLC – 1225 MCBRIDE AVE. – BLOCK 96 LOT 1.01 & 1 – AMENDED PRELIMINARY/FINAL SITE PLAN

Mr. Tanski pointed out that the street address on the application was wrong and it will be corrected.

Mr. Joseph Mecca, attorney for applicant, stated they are here on an application to install a 1500 gallon liquid oxygen tank to service St. Joseph's Wound Center that will be a tenant at this location. Plans have been submitted and the secretary confirmed that everything was in order.

Grant Lewis, project manager with Dresdin Roberts, was sworn in. He is a licensed engineer and planner. He stated his qualifications and was accepted as an expert.

Mr. Wenzel asked if the wound care center was associated with St. Joseph's Hospital. Mr. Mecca said it was. Mr. Wenzel stated that Mr. Tanski's daughter who resides with him is a nurse at St. Joseph's Hospital in Paterson. Mr. Wenzel said he does not see a conflict but asked Mr. Mecca if he would like to comment. Mr. Mecca agreed that he saw no possible conflict.

Mr. Lewis described the site at 1225 McBride Ave. which is approximately a 10 ½ acre parcel between McBride Ave. and Lackawanna Ave. It is located in the CBD district and is currently developed with an existing two-story office building. The site along the south and the east is bound by the Peckman River. They are proposing a 1500 gallon liquid oxygen storage tank for use by St. Joseph's Hospital to support a wound care center. The tank will be placed on a 15' X 15' concrete pad located in one of the existing parking lot islands that is currently vacant with mulch. The site plan was marked A-1. There is an additional concrete slab which would hold some of the accessory equipment. They would be enclosed within a fence and have steel bollards filled with concrete. They will locate the fire hydrant outside the fence and rotate it 90 degrees so it faces the drive aisle and it is noted on the site plan. They will meet all setback requirements of the National Fire Protection and OSHA. Adjacent to the tank there will a 12 x 12 concrete pad at the base of the existing curbing. This pad serves to protect the parking lot as the delivery truck for the oxygen pulls up and any leakage from the truck or connection doesn't drip on the asphalt.

Mr. Lewis stated that noted by the Board's planner they require a variance from minimum lot coverage where 75% is required and under existing conditions they are at 68.4% with the increase it goes up to 68.5% but is still under the 75% lot coverage required. This is an existing non-conformity and they are slightly increasing it so they require a variance. They are seeking a C-1 variance which is a hardship variance. Under the C-2 variance they have a benefit allowing the hospital to expand its operation which far outweighs the detriment.

Mr. Lewis stated he reviewed the Board's professional review letters. Based on his review of the engineer's letter there was discussion regarding the fence height. They originally submitted plans with an 8' high fence per the recommendation of the police. Subsequent to that since they required a variance they submitted a letter from his office stating they would provide a 6' high fence which is in compliance with the Borough ordinance. The engineer has asked they change the chain link fence type material to a tighter knit to prevent people from accessing and going in.

Mr. Lewis said there was comment from the engineer regarding the equipment being above the flood elevation. The tank installer will testify on the height of the tank.

Mr. Wenzel stated the applicant originally proposed a 6' fence but on review by the police department they suggested an 8' high fence. In order to avoid a variance they proposed the 6' fence. He felt they would have to hear from the Board's professionals regarding the fence and lot coverage. He referred to Ms. Gregory's letter regarding the lot coverage. He wanted to be clear about the height of the fence.

Councilman Holloway referred to the police review letter. He asked if someone was to gain access over the 6' high fence could they have access to the any external controls. Mr. Mecca said they would have the AGL representative testify.

Mr. Tanski asked how close the closest residence is. Mr. Lewis said it was about 150'.

Mr. Mecca asked if they could address the fence issue and the lot coverage with the Board Engineer. Mr. Murphy said he agrees with Mr. Lewis regarding the lot coverage. Ms. Gregory agreed. Mr. Murphy said he felt the taller fence is more appropriate but there was a notice issue. Mayor Kazmark said he spoke to the Police Chief about the height of the fence and he strongly recommended an 8' fence. He would also like the applicant to consider the type of fence they recommended also. Mr. Mecca said they have no objection but it does come down to a technical question about the notices. Mr. Wenzel said at this point there are two issues that give rise to a notice issue which is the lot coverage and the fence.

Mr. Mecca said they have no objection to the height or type of fence. They originally applied and sent notices for the December meeting without the blessing of the Board and moved ahead because they have an eager tenant. The original notice indicated a request for any variances deemed necessary. The second notice did not say that. Mr. Wenzel asked for a copy of the original notice. He read the notice and asked if it went out to the property owners and was published in the paper. Mr. Mecca said it was sent and published. Mr. Wenzel felt that it would serve as notice with regard to the variances and asked Mr. Mecca to provide the affidavit of service and the receipts and returns for the first notice to the Board office.

Chairman Lepore asked if they would propose the type of fence recommended by the police. Mr. Lewis said it would be that type of fence and made of steel or aluminum. Both materials come in commercial grade. Chairman Lepore requested the material be hard and unbendable. Mr. Lewis assured him it would be.

Mayor Kazmark referred to the plan and asked if there were 23 bollards. Mr. Lewis said yes. Mayor Kazmark said the other concern he had was how close it is to the Peckman River. This is a significant flood area. He asked how this infrastructure would be built and protected from a flood event like Hurricane Irene. Mr. Lewis said based on his discussion with AGL who is the tank supplier this tank would be placed above the flood elevation on legs.

Kevin Brancato, Chief Operating Officer of AGL, and Al Sokerka, Facility Manager of AGL, were sworn in. They stated their qualifications and were accepted as experts. They have done two other sites with exactly what is being proposed for this site.

Mr. Mecca submitted a photo of another site with the same type of tank which was marked A-2. The tank was installed at Pascack Valley Hospital in March 2014. He described the tank in the photo. He described what the oxygen is used for in the wound center. The tank would be exactly the same as the one in the photo except that there would be a 2' extension to be above any flooding. He felt by the time you get to the bottom of the controls themselves they would be 3 ½ to 4' off the ground. It is highly unlikely that the tank would float away in the event of flooding. They have about 33 installations in North Jersey ranging from 325 gallons in size up to 11,000 gallons in size for either oxygen, nitrogen or argon. They supply Kessler Institute has 2 locations, Hackensack Medical Center, Pascack Valley and St. Josephs in Paterson and Wayne are all serviced by AGL. They have never been any safety incidents they he knew of. A photo of the tank at Kessler Institute in Ramsey was marked A-3. They are separated by a hill which is next door to a football field at Don Bosco Tech. They went to the zoning board for a variance to install that tank. This is the same equipment used at Hackensack Medical and the same equipment they planned to use at this site. The second page is a picture of the open cabinet, the vaporizer and the tank. The third picture is the vaporizer itself. The last picture is the four tank reserve. A copy of the Product Safety Assessment on liquid oxygen was marked A-4. This explains what the product is and any questions should be answered in there.

Mr. Karp asked how tall the fencing was at the Kessler location next to the football field. Mr. Brancato said it was 8'. Mr. Mecca asked what type of fencing was there. Mr. Brancato said it is chain link with vinyl slates. They don't recommend that type of fence because the vaporizer needs as much exposure to the sunlight and air as there possible can be. The liquid nitrogen is at minus 296 so on a zero degree day the air is 296 degrees warmer than the liquid and over time it builds up ice which becomes a maintenance issue so they would prefer not to have the slating in the chain link fence.

Councilman Holloway said he was reading about the construction of the tank and asked about some sort of projectile or bullet hitting the tank. Mr. Brancato said it would be like shooting a water tank. It is a double wall tank. He said if it was hit by a bullet or projectile you would see a fog and a clear liquid coming out of the hole. That would be the liquid oxygen that is bluish in color. The fog you would see would be the vaporization which is the change from liquid to vapor. As long as it is in the concrete it would simply hit the ground and turn into oxygen which is 20% of what we breathe every day.

Mr. Tanski asked if it liquefies through temperature or pressure. Mr. Brancato said temperature. The tank is designed to keep it liquid. Mr. Tanski asked who owns the tank. Mr. Brancato said AGL owns the tank facilities and rent it to the hospital.

Mayor Kazmark asked if the lowest controls would be approximately 4' off of the ground. Mr. Brancato said that was correct. Mayor Kazmark asked that in the event there was a flood event that exceeded the 4' level what the extent of damage would be and if there was a safety concern with having this infrastructure being surrounded by water for any length of time. Mr. Brancato said he did not think there was a safety concern at all. Unless water got into the tank and even if it did it would not create an issue other than they would have to

rebuild it afterwards. Mayor Kazmark said not far from this site, after Hurricane Irene, there was water that covered street signs. The depths of the water are significant when there is one of these events. Mr. Brancato said during Hurricane Katrina and Hurricane Sandy there were hospitals in New York that were under water. The tank is put out of service but there is no safety issue with it. They had to come in and pull it and rebuild the tank but there were no ill effects other than the oxygen was not being supplied to the hospital. They did not maintain this tank it was someone else's but they called them to help them supply the hospital with their tank truck. It took some time to rebuild and put them back into service. Mayor Kazmark asked if he was comfortable with the elevations of where they are going to place the tank. Mr. Brancato said they were.

Chairman Lepore said there is a high water table in the location of the proposed tank and they mentioned the weight of the tank. He asked if the pad it sits on would be impacted by the high water table. Mr. Brancato said he did not believe so. The pad has 3' legs that are 10" thick and goes down into the soil 3'. The applicant's engineer said the concrete pad that was designed and shown on the plan is 15' X 15' and is specifically designed for the weight and the water table. It's a foot thick pad with a haunch around the perimeter which essentially is a footing going around it, that supports the weight of the tank itself and then the other equipment is placed on the other concrete slabs.

Mr. Mecca asked what they would do if they knew the parking lot was threatened by flooding. Mr. Brancato said they would shut the tank down, especially in this case because it is not a critical usage unless they have a patient in the hyperbaric chamber. So you could come and close the valve which would protect the tank and minimize any potential damage. They may have to rebuild a couple regulators when they are done but it would not allow any water in and there would be no safety issue. They do annual inspections and the drivers have a safety checklist that they fill out every time they fill up. The checklist would be looked at one or two times a month. It there is a problem the driver would notify them if there was an issue. They have service people 24 hours a day 7 days a week for emergencies. The tanks could be filled in the evening or on the weekends.

Mayor Kazmark said he would strongly recommend if this application is approved that AGL gets in touch with the police department. There is a log that is at the police desk for flood emergencies to alert residents and businesses and he thought the police may need this information to make provisions for the tank with AGL.

Al Sokerka, AGL facilities manager, stated his qualifications and was accepted as an expert witness. He would be involved in the installation of the tank as a supervisor. He would have it certified and medically ready for St. Joe's to bring in patients. He has done this for all of the hospitals and medical centers that have been mentioned. He has also done various nursing homes throughout the state. He does not anticipate any problems with this site and it is pretty straight forward. He said if they knew a flood was coming that could actually prepare to empty the tank if they had to but in this case you are best to leave it with product in it and pressurized because that pressure would keep the water from infiltrating into the tank and there are no openings. Everything is valved with a valve system so that you not only have one valve you have two valves so if the driver can't close a valve he has another

valve he could also close. They try to go out every time they are in the area to maintain but it will definitely be yearly. If a driver has a problem they are normally out the next day to fix anything that is wrong. They usually do not fill a tank if there is a safety issue and they contact them immediately or have one of their service men come in to fix it. The only component that relies on electricity is the defrost timer so a power outage would not affect the tank.

Mr. Tanski asked what the connection between AGL and Lindy was. Mr. Sokerka said Lindy is their supplier that is a worldwide company and are the second largest manufacturer of atmospheric gases in the world. The truck that comes to fill the tank is a Lindy truck. They deliver right from the manufacturing facility in Pennsylvania or New York. Mr. Sokerka said he is a resident of Woodland Park. He said there is also a tank at Kearfott that is one of their competitors. It is about 6,000 gallons and holds liquid nitrogen. It is quite a bit larger than the one they are proposing.

Mayor Lepore asked if the building was currently equipped with security cameras that would tune in on this section of the parking lot. Mr. Mecca said it is one of the recommendations that were made so the answer is yes and they would provide additional lighting also. They would turn the tapes over to the police department. Mr. Tanski asked if the building has security 24/7. Mr. Mecca said there are 25 cameras and recorders for the building. There are no security personnel but it could happen in the future when it is fully occupied.

Mr. Karp asked how long the installation would take. Mr. Sokerka said it would be about a week. Once the concrete sets up and the fencing is in they come in with a crane and set all the equipment in and it is complete in 3 days.

Ms. Van Dyk asked if these tanks could ever explode. Mr. Brancato said in his 45 years in the industry he has never heard of a tank exploding or rupturing. He has heard of tanks that were on improper foundations that fell over but all that happened was the oxygen just leaked out.

PUBLIC OPEN – CLOSED

A motion to approve with conditions discussed and variances for fence height and lot coverage was made by Mayor Kazmark, second by Councilman Holloway and approved by a vote of 9 – 0.

A motion to adjourn was made by Councilman Holloway, second by Mr. Brigati. All in favor, meeting adjourned.