

WOODLAND PARK PLANNING BOARD
PLANNING BOARD MINUTES
May 9, 2016

Meeting called to order at 7:33 P.M. by Vice Chairman Tanski.

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: KEITH TANSKI, MAYOR KAZMARK (ARRIVED 7:38), BILL KARP, THOMAS ADAMO, ROBERT BRIGATI, JACQUELINE HERNANDEZ, SHERRY VAN DYK, ARTHUR MINSKY, STEVE FAZIO AND COUNCILMAN HOLLOWAY (ARRIVED 7:35)

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

FLAG SALUTE

A motion to approve the minutes of 4/11/16 was made by Mr. Adamo, second by Mr. Brigati and approved.

ORDER OF BUSINESS

DOCKET # 16-04 – RAINBOW NORTHEAST LEASING, INC. – 1650 ROUTE 46 –
BLOCK 122 LOT 11 – CERTIFICATE OF OCCUPANCY OVER 5,000 SQ. FT.

Elizabeth Durkin, attorney for applicant, stated they are here for a certificate of occupancy for Rainbow at 1650 Route 46. The retail space is in excess of 5,000 sq. ft. which requires an approval for a certificate of occupancy from the Planning Board. The space is located in the Kohl's Plaza which was previously occupied by Joyce Leslie who went through a bankruptcy. The Rainbow shop purchased stores through that bankruptcy. There is actually no change in use. Joyce Leslie was a retail store for ladies clothing and Rainbow is a retail store for ladies and children. The hours of operation will be roughly the same. She has an employee of Rainbow with her if the Board has questions. The space is a little over 15,000

sq. ft. There are about 17 employees who operate in shifts. The garbage is disposed of as it is now.

Mr. Karp asked how long they have been operating at this location. Ms. Durkin said they have been operating for a couple of months while waiting to obtain approval.

Mr. Tanski asked if they are aware of the sign ordinance. The Board Secretary stated they have changed the sign and are in compliance.

Councilman Holloway and Mayor Kazmark are present.

PUBLIC OPEN – CLOSED

A motion to approve was made by Ms. VanDyk, second by Mr. Karp and approved by 7 – 0 with 2 abstentions.

The Board Secretary said the applicant should apply for the certificate of occupancy in the Code Enforcement Office.

DOCKET # 16-05 – KEYSTONE RECOVERY CENTER – 482 NOTCH RD. (GREAT NOTCH RD.) BLOCK 113 LOT 10.01 – CERTIFICATE OF OCCUPANCY OVER 5,000 SQ. FT.

Gary Mizzone, attorney for applicant, stated the applicant is entering into a lease at 482 Notch Rd. The space is 6900 sq. ft. It is a permitted office use. They will be open Monday through Friday from 9:00 a.m. to 9:00 p.m. and sometimes 10:00 p.m. They will be counseling for depression and alcohol use and things of that nature. They basically do all the counseling in the evening. The rest of the time during the day it will be used for general office purposes. He has one of the owners with him tonight if the Board has any questions.

Mr. Karp asked if any security was required or if there were any problems with addicts. Mr. Mizzone said it is a new enterprise where they will be taking the entire floor for meetings and talking. They do not anticipate any problems. They are adequately staffed with nurse practitioners and counselors.

Mayor Kazmark asked the average amount of people in group sessions. Mr. Mizzone said approximately 5 to 10 people. Mayor Kazmark asked if there would be any activities on the weekends. Mr. Mizzone said no they are trying to schedule sessions for weekday evenings.

PUBLIC OPEN – CLOSED

A motion to approved was made by Mr. Karp, second by Mr. Minsky and approved by a vote of 9 – 0.

The Board Secretary stated they should also apply for the certificate of occupancy in the Code Enforcement Office.

DOCKET # 16-02 – LAGANELLA PROPERTY MANAGEMENT, LLC – 75-77
ANDREWS DR. – BLOCK 122 LOT 11.01 – PRELIMINARY FINAL/SITE PLAN/BULK
VARIANCES

Stuart Liebman, attorney for applicant, stated the property is located in the Highway Commercial zone and there is also a lot in Little Falls. They are proposing to use the properties together in a combined fashion. They will be demolishing the two existing buildings and proposing a 2500 sq. ft. restaurant.

Mr. Liebman said they were here in April and the application was carried to give the professionals a chance to review the plans and the revised plans. They have received additional reports. They have changed the shape of the building but are still at 2500 sq. ft. They have given the Board a better detail on the bypass lane. They have removed 2 spaces and now have 19 spaces with 13 spaces required. He submitted a communication with Best Buy that was marked A-12. It is an e-mail dated 4/8/16 exchange between him and general counsel for Best Buy. He read it into the record.

Daniel Lamothe, engineer, was previously sworn in. He marked the revised plan A-13. Mr. Lamothe described Exhibit A-14 which illustrated the primary changes and where they occurred. The building shape changed where they narrowed up the drive-thru side of the building and increased the lane. They have removed one space near the drive thru lane. They have eliminated 2 spaces and moved the handicap space to the other side of the building. He referred to a color rendering of the plan which was marked A-15. They have made other revisions including the striping, the curbs, utility inspections which they described at the last meeting. They have had the sanitary sewer and the well tested since the last meeting. The well has the capacity for the proposed use. They will use the current well on the site. The entrance at the drive thru is a one way drive so there is no turning around in the back portion. They have also narrowed the driveway from 30' to 24'.

Mr. Lamothe referred to the review letters they have received. The letter from Gregory & Associates has been reviewed and they have no concerns with the comments. The letter from Alaimo was reviewed and they take no exception to the comments. They will have additional comments on the off street parking and they concur there are no variances required. There is a comment with regard to the curb and they are showing the majority of it being replaced. They do not plan to use Belgium block. The Little Falls engineer would like to see Belgium block so they may change the interior curbing if required. They looked into the pedestrian traffic and looked at adding a crosswalk but there are no good areas where you can cross. It is really going to function like a mall setting where there are remote parking spaces. They did not think it was a good idea to propose a crosswalk. They felt they should leave it the way it is and not encourage it. The parking would be for employees only and they would be directed to park there. There is no area on the other side of the street to send the pedestrians to. There is a front entrance door if someone did walk across.

Mr. Lamothe referred to the Fire Official's report and agreed to his comments. There is a recommendation to install sprinklers or a fire hydrant. He said they are not proposing sprinklers based on the building codes. It is not the ideal thing to have with a well. He

spoke to the Fire Dept. about this and the fire hydrant. There are actually 2 hydrants within the proper distance. Exhibits were submitted and marked A-16 & A-17. A-16 was an aerial map that shows hydrants in the area and A-17 is a photo that shows the hydrants. Mr. Lamothe said the aerial shows the approximate locations of all the hydrants. The closest one is on the other side of the stream. There is also one at Best Buy and the other one is at the front corner of Barnes & Noble. These two have pretty open direct lines to the site. There was an e-mail communication from the DPW which stated all items were addressed and permits would be required for water and/or sewer connections. There was a report from the Police Dept. that requested vehicle circulation. Mr. Lamothe said there is no reason for an emergency vehicle to go around the rear of the site because it is a narrow lot. All deliveries would be made when the restaurant is closed. They are asking for a curb cut variance to increase the width of the driveway in Little Falls. Garbage trucks would have two options and could be picked up either way. The garbage truck will pick up early morning also. The Fire Dept. did not bring up a problem with vehicles entering the site. They can submit the turning radius if required. They will give the police Title 39. The police recommend 10' X 20' parking spaces. Mr. Lamothe said the standard practice has been 9' X18' and feel that is adequate. They do not want to increase the impervious coverage by providing bigger stalls. He would also rather have a 30' drive aisle rather than a 26' drive aisle. There will be sufficient illumination and surveillance. They can't put in a 6' solid fence along the river because they are in the floodway. The fence would be categorized as an obstruction. They have already met all the requirements of the DEP and have received a permit. They will meet the suggestion of waste receptacles made by the police. The DEP letter of interpretation was marked A-18.

Mayor Kazmark asked in regard to the installation of the fire hydrant if they had an amended report. Mr. Lamothe said they just spoke to the Fire Official today. Mayor Kazmark felt due to the nature of the use as a restaurant it would be more likely to experience a fire. He was concerned as was Mr. Muccio about installation of a hydrant. Mayor Kazmark asked if a fire truck could enter and go around the building. He felt they testified that the fire will only be fought from the front. Mr. Lamothe said he did not if the fire truck could make it but it would have no reason to drive to the rear. Mayor Kazmark asked if there would be no reason to get to the rear of the property. Mr. Liebman said the witness's testimony is that they will not fight a fire from the rear. Mr. Lamothe felt if they needed to get behind the building they may fit alongside the building but did not see the reasons for it. Mayor Kazmark asked if it could access the rear regardless of the reason why it had to get there. Mr. Lamothe felt there would be room to pull in alongside of the building. Mayor Kazmark felt the kitchen was on the river side of the building.

Mr. Tanski said he was concerned about litter in regard to the solid fence. He felt it was a fast food establishment and asked if it was possible to put in a chain link fence or shrubbery to keep litter out of the river. Mr. Lamothe said there is landscaping and the litter would get caught in it first. They also have a maintenance program to keep it clean.

Mr. Karp felt they were underestimating the foot traffic with Barnes & Noble and the car wash in the vicinity. He felt that cars would be coming very fast off the highway. He stated he was not opposed to the idea of crosswalks because there is no sidewalk and no area to

direct pedestrians to. Mr. Lamothe said there is no good place to put it and no sidewalks where they can direct them to. Mr. Karp felt Andrews Dr. was a fairly open road. Mr. Lamothe said they could align a crosswalk to line up with the existing one with no sidewalk. Mr. Liebman said there are things standing in the way such as no good place to put it and Andrews Dr. is a private road so they would need to get permission. They are willing to look at installing the crosswalk as a condition of approval. Mr. Karp said it is definitely a safety concern.

Mayor Kazmark felt the parking off site was going to be utilized by employees and maybe customers so the Board would be encouraging them to cross Andrews Dr. That needs to be done in a safe way so it is not just customers of Barnes & Noble or the car wash but every day you will have someone coming to the site from the offsite parking area that will need to cross and have safe passage to the restaurant. Mr. Liebman said they will try to find a proper place for crosswalks.

Mr. Fazio said the Fire Official made a recommendation with 4 options and felt they had not addressed any of his concerns. Mr. Liebman said there is no code requirement but only recommendations. It is their analysis that it is not feasible and practical and not necessary. They spoke to the Fire Official and he commented on the hydrant at Barnes & Noble.

Mr. Wenzel said there was testimony that Mr. Muccio and the engineer had a conversation. Mr. Wenzel asked Mr. Muccio's response. Mr. Lamothe said he did not speak to him a representative from his office did but Mr. Muccio did indicate that since the hydrants were within the distance he was okay with it. Mr. Wenzel suggested an update from Mr. Muccio. Mr. Murphy felt the nearest hydrant should be replaced if accepted by Mr. Muccio

Ms. VanDyk referred to Exhibit A-14. She felt 7 cars lined up for the ordering window would be blocking 2 spaces. It takes 2 minutes for an order so someone may have to wait a long time to get out. Mr. Liebman said it is usually only 5 cars in line. Ms. Van Dyk said it could happen and someone would be waiting a long time. Mr. Liebman suggested if someone waits they will not park there again. Ms. VanDyk said she pointed it out because she thought it was important.

RECESS

Call to order. All present.

Hal Simoff, traffic engineer, was previously sworn in and accepted as an expert. Mr. Simoff referred to the report from the police department. They have a program that shows a 30' truck can make the site. There would be no need to put a truck within the fall zone of the building. There is enough space to get the truck through the site. The 30' wide aisle in Little Falls would allow a trash truck to go both ways but they can't turn around. He felt they would pick up the trash before 10:30 in the morning. There is no residential in the area so the garbage truck and delivery truck would not disturb anyone. The police talked about the size of the parking spaces. Mr. Simoff said it is not just the width and length of the space

but it is also the size of the aisle. They meet the recommended standards for a 9' stall. He measured the width of the stalls at Best Buy and they are 9'.

Mr. Simoff said they have heard recommendations as to where to put a crosswalk. There are positives to providing a path to get to the site but usually it's a municipal street so it's not a problem but the problem here is getting permission from the property owner.

Mr. Simoff said he updated his memo and conducted traffic counts entering and exiting Route 46 and the car wash site. This is not a fast food use but a fast casual. He took the most conservative highest traffic volumes and put them on this site. The highest activity for this site is dinner time and the standards show the highest activity at lunch. He re-analyzed it and found the level service B. It works well and the stacking is about 2 cars coming out of the driveway. The updated traffic report was marked A-19. The report shows the trip generation numbers. He said about 30% of the traffic goes through the drive-thru. Mr. Murphy said he just received the updated report so he hasn't reviewed it but based on the testimony level of service B is acceptable.

Dan Holdehehr, architect, was sworn previously and accepted as an expert. He stated the plan was revised 4/19/16 and was marked A-20. He said the changes are very minimal. The southerly side of the building is unchanged. The dining area is shaped differently and the northwest corner of the building is down 6' in order to widen the drive-thru. Mr. Holdehehr referred to the colored rendering of sheet 2 which was marked A-21. He stated the building length was increased by 3'. The north end of the building narrows down to allow for the drive thru.

Mia Petrou, planner, was sworn in, she stated her qualifications and was accepted as an expert. Ms. Petrou submitted a photo exhibit dated 4/8/16 which was marked A-22 and an aerial photo dated 4/8/16 which was marked A-23. She is familiar with the plans, the zoning regulations and the Master Plan. She described the property which is located in a Highway Commercial zone. The Little Falls property is located in a B-2 Highway Business zone. She described the photos and noted there is currently a tailor shop in one structure and an office for vacuum repair in the other structure. The Little Falls portion is paved and used for parking. The lot size is just under ½ acre. It is an irregularly shaped lot along the Peckman River and is in the flood plain and floodway. They are proposing to demolish the structures and build a restaurant with access through Andrews Dr. They require 3 variances for front yard setback (60' required and 6' is proposed), side yard setback (10' required and 2' is proposed) and parking stall size of 9' X 18 where 10' X 20' is required. She felt the front yard setback should be granted because of the size and configuration of the lot. They provide a compliant rear yard setback of 30'. The site is constrained and they are proposing balanced development. She felt it was an appropriate location for the building. The 2' side yard setback is more of a technical variance because the 2' is from the town boundary line. She felt the size of the parking spaces were a better alternative because of the many constraints on the site.

Mr. Petrou said the application must satisfy the negative criteria. She did not believe there was any detriment to the public good. She felt the public good would be advanced. She felt

it would be one cohesive development on the site compared to what was there now. She felt it would advance economical development. There is no significant impairment to the zone plan. This proposal is an upgrade to the appearance of the site. She felt the criteria have been met. Ms. Gregory had no issues from a planning prospective.

Mayor Kazmark asked Mr. Murphy if the applicant has satisfied his review letter. Mr. Murphy said the applicant has satisfied most of the comments in his letter but felt some concerns and issues still needed to be addressed but could be conditions of approval. There were questions about turning radius which should be addressed with a future submittal. He said part of the reason he brought up the crosswalk is because they are providing an entrance on Andrews Dr. He realizes it is a private road but it is used as a roadway. He agreed there has to be some thought to placing a crosswalk there. They could revisit it after the site is developed. They are encouraging access across Andrews Dr.

Councilman Holloway thought Levco owned the roadway. Mr. Liebman said it is owned by Best Buy. Councilman Holloway felt they should at least reach out to Best Buy about a crosswalk. He had a concern about the employees parking at Best Buy and coming across the street.

Mayor Kazmark asked about the easement with Best Buy and if any one spoke to them. Mr. Wenzel said it is incumbent upon the applicant to notify Best Buy. Mayor Kazmark thought there were inquiries from Best Buy. The Board Secretary said she did speak to a representative of Best Buy who was going to get back to her but did not. Mr. Wenzel said it is his understanding that the easement and agreements still exist and if there was an issue raised it would have to be addressed by the applicant.

PUBLIC OPEN

Leonard Goldblatt, 729 Highland Ave., Paramus, NJ. He said he was an engineer and planner and has been on the Board of Adjustment and Planning Board in Paramus. He is friends with the seller and applicant. He is happy to see a happy ending to the application. He thanked the Board.

PUBLIC CLOSED

A motion to approve with conditions which include submission of the turning radius, an updated Fire Official report, review of pedestrian markings and review of landscaping along river, was made by Mr. Fazio, second by Mr. Adamo and approved by a vote of 6 – 3.

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

