

Borough of West Paterson

Board of Adjustment



WOODLAND PARK
BOARD OF ADJUSTMENT MINUTES
July 25, 2011

Passaic County, NJ

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MEETING CALLED TO ORDER AT 7:30 P.M. by Chairwoman Kallert.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY OPEN 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 IN ATTENDANCE: RUSSEL JUZDAN, TRACY KALLERT, PHILIP DICRISTINA, RUTH PATTERSON, JOSEPH PASCHELL, TONY ORLANDO, JIM IANNIELLO, AND VINNIE DECESARE

ALSO PRESENT – JOHN FIORELLO, BOARD ATTORNEY
TOM SOLFARO, BOARD ENGINEER
BOB PERRY, BOARD PLANNER

FLAG SALUTE

A motion to approve the minutes of the June 27, 2011 meeting was made by Ms. Patterson, second by Mr. Decesare and approved.

RESOLUTION

DOCKET # 11-05 – N. PLUAS – 11 WHITTAKER AVE. – BLOCK 100 LOT 11 – BULK VARIANCES – Application is hereby denied by a vote of 7 – 0.

ORDER OF BUSINESS

DOCKET # 11-06 – 1265 MCBRIDE AVE., LLC – 1265 MCBRIDE AVE. – BLOCK 122 LOTS 2, 3 & 5.01 – PRELIMINARY/FINAL SITE PLAN – USE VARIANCE – BULK VARIANCES

Richard Briigliodoro, attorney for applicant, stated this is a continuation of a public hearing that was started in June. They have made some revisions to address comments from the Board.

Thomas O'Bierne, applicant, was previously sworn in. He stated he is the owner of 1265 McBride Ave. He thanked the Board for allowing him to present this application for a certainly distinctive project. This application has generated excitement and interest with people in general. It is a lot of fun. There were changes to the plan as a result of Board comments and a meeting they had with members of Woodland Park Police Dept. Chief Galietti has been a supporter of the project and they also met with Sgt. Uzzalino and Officer Bolen who took time at the end of their day to talk to them about how the range would have to be to support their operation and training and what other police departments would look for in a facility of this nature. The second reason for the change was a group who approached him in the beginning of the year that was interested in being involved in the facility has gone ahead and leased a location in Randolph and in March of this year they got approval from the Randolph Planning Board to construct a range, a store and a classroom. They broke ground in June and they are under construction at this time. With that happening there is some competition so he feels his range needs to be bigger and better. It is going to be a neat project. He worked in West Paterson for 10 years. He has owned the property for a couple of years and it certainly needs an upgrade. There will be a number of things happening at 1265 and if they trust him on this he promises to make it right.

PUBLIC OPEN for questions. PUBLIC CLOSED

Chairwoman Kallert said she did watch the DVD and heard him say that the buildings are in a little bit of disrepair which is structural and more than just cosmetic. Mr. O'Bierne agreed. She asked if having a pistol range in there and the walls all being concrete if they are going to be doing all the necessary repairs because they are not just opening offices in there they will be shooting guns. She asked if they were sure the building was sound enough to be able to handle this type of business. Mr. O'Bierne said it absolutely will be when they are done with what they have planned as they will hear from Mr. Darmofalski about the massive improvements for this building. Down the road there are massive improvements planned for this entire site. He has a reputation for doing things right. The problem with 1265 is that it is such a magnificent location but nobody is buying. They have had a laundry list of Fortune 500 companies that have come through, done traffic counts, prepared conceptual drawings but nobody has gone into any kind of lease. You have to sit back and say this is not going to happen, big business is just not making the move so it is time to go back to what works. Right now the property even in the disrepair that it is in operates. They are all good tenants there so there is a place for them. They have a vacancy and they are going to make that right. They will be fixing Wilson's Auto Body up too and deal with Screens. He felt this property will be bringing in the finest people and thought the Board would be pleased with that.

Paul Darmofalski, engineer, was previously sworn in. He said they were here a month ago and the Board had some questions of some other experts and also had questions of him. One of them was what the acting Chairman asked for which he gave testimony to and he has now put it in writing. On the drawings they have submitted to the Board there are two drawings. Their drawing is known as a conceptual floor plan for the proposed sporting goods store and sports club that consists of two sheets. The first sheet is the general notes that he testified to last month along with a revised floor plan for the building itself and the second sheet are

actual conceptual cross sections of how that building can work. One of the things the Board was concerned with was when someone walks into the facility will they be a retail customer or a shooting customer. He felt they have solved that by some of the modified floor plan that they have come up with. The police dept. made a recommendation that in order for them to use a facility like this and qualify they needed a 50 yard range. A 50 yard range has now been accommodated so that they have actually taken over a little more of the existing building and it allows them to accommodate a 50 yard range with 5 ports and then they have 11 ports of the 25 yard range. They gave testimony to the 25 yard range but with a 50 yard range they can really accommodate the law enforcement end of things for their qualifications. One of the other things they talked about is there are a couple of rooms that really work well in Riverdale which is the ready room so they have now accommodated a ready room at this facility. They have indicated where the bullet traps are for both the 25 yard and 50 yard range. They have indicated on the front portion of the building which is the entry way how someone is going to come in and be a retail customer and they have indicated where the range office location is going to be so he has access both from the retail and also can totally control the facility. They will have a certified range officer at all times at this facility. The nice part about the revised layout is one of the things they gave testimony to which is they will have as a minimum 6" masonry walls that were for ballistic purposes and they will also have a concrete floor and a concrete ceiling and they have indicated this on the floor plan and cross sections where the concrete is going to be placed. One of their recommendations was if they were going through all this construction would be to take the existing building and put a brand new roof on it along with the trusses that will hold that. They are recommending the roof be raised from 19' to 24' and they put a brand new truss in there and by doing that and providing the concrete ceiling they need for the shooting range it gives them the ability to put a mezzanine level in they can use for a classroom that both the facility and law enforcement would definitely use and a place for the HVAC which is specialized for the shooting range but they would also need HVAC units for the retail operation and the storage. The other idea the owner had was if they set this up as a membership he would also like to provide a lounge. They have also indicated a lounge on the mezzanine level. He believes the revised plans have accommodated many of the questions some members had about a conflict with someone coming into the facility with a gun or somebody wanted to buy a gun.

Mr. Darmofalski stated they have relocated a blind company that operates from the back because they felt from the safety end of it they felt it would be best. So that area of the building is going to be used for the entire facility. The retail space is 1700 sq. ft. the balance of that is the five 50 yard ports and eleven 25 yard ports. He described how you would enter the facility. You will walk into the facility and you will have the ability if you want to shoot to go to the cashier who has a counter and also a dutch door located in that area where they will buzz you in if you are going to shoot. That entire operation is separated so you are coming in with your gun totally secure in accordance with the regulations and operating manual and you will be separate from the retail. If you are coming into the retail the same cashier is going to service you but that's the separation. The shooters now have a place to go. The retail facility has a door that is going to roll down at the end of that facility so at the end of their day everything will be secure but still have the ability to use the same entry door. They have maintained single control but as soon as they come in they are going to

separate between the retail and the shooters. He felt this took away some of the safety concerns of the Board.

Mr. Darmofalski stated they will have a total of 3 masonry walls that are going to separate the 25 yard ports, the 50 yard ports and protect anything else. So they are actually enclosing the entire facility in with 6" masonry on the walls and they are going to pour a complete deck of 6" reinforced concrete over the entire ceiling. This will protect them for ballistic purposes and also separates them for the special HVAC which is all restricted in the shooting area. Above that are the classrooms, mechanical, some future expansion and they have indicated a brand new truss roof. The shooting range is completely protected by concrete and solid masonry. The door is a special shielded door. Everything has an acoustical treatment. He pointed out a section of the plan that depicts the baffling system which is designed that in the event you happen to fire up the bullet is deflected down and it is engineered for the different caliber they are going to design this for and also for the shooting angles so you have more baffles closer to the shooter with a bullet trap that is a highly sophisticated piece of equipment. He felt this answered many of the questions the Board had and also felt that giving them a better floor plan and also some cross sections on how it is going to be constructed instead of just testimony was the right way to present it to everyone.

QUESTIONS – PUBLIC OPEN – CLOSED

Mr. Juzdan asked about the second floor future expansion. He asked if the center section was just going to be empty. Mr. Darmofalski said it is not going to be finished and they may have some storage up there. They may have the need for some additional classrooms in the future. Mr. Juzdan asked if they would be finishing off a classroom and a lounge to the left side. Mr. Darmofalski said yes and the stairwell would be built correctly for proper fire protection and the corridor would lead to the finished area. Mr. Juzdan asked if there would be any intention of putting more range area on the 2nd floor. Mr. Darmofalski said he did not think there was any intention for that but there is a high demand for archery and it would be something they would have to look at and come back and discuss with the Board. He only brings it out because there is a demand for archery and there are very few indoor archery facilities in New Jersey. Mr. Juzdan asked if there would be 2 stairwells. Mr. Darmofalski said that was correct.

Ms. Patterson asked if they were satisfying the parking for the additional space. Mr. Darmofalski said he would like to leave that to the site engineer.

Mr. Ianniello asked where the staircase was going up to the classroom. Mr. Darmofalski pointed it out on the plan and said the second set was located in the rear of the building.

Mr. Juzdan said last month they were talking about 10,000 sq. ft. and now they have added an additional 2800 sq. ft. He asked if that was the back and the upstairs. Mr. Darmofalski said no just the back because it is the footprint of the building looking at the 12,800 sq. ft. Mr. Fiorello asked what the square footage of the entire building was. Mr. Darmofalski said he would have to measure it and give the Board the calculation. Mr. Juzdan said the point is

here is how many square feet is the entire project. Mr. Darmofalski said the square footage on the first level is 12,800 sq. ft. of the existing building.

Ms. Kallert said sometimes there are spectators who like to watch a competition. She asked if they account for any area where there will be spectators. Mr. Darmofalski said spectators will not be watching the competition but they will see results. They would be in the ready room or classroom but there are no visual rooms where they will be watching this. The lounge will just be an area with some comfortable chairs and TVs. All the bathrooms are located on the lower level and there will be no kitchen area.

Ms. Patterson asked about competition shooting and if any one leaves their personal weapon there. Mr. Darmofalski said no because state regulations say that you do not do that. Ms. Patterson asked if all the weapons that come in go out that night. Mr. Darmofalski said yes. Ms. Patterson asked if the retail store would be selling weapons. Mr. Darmofalski said yes. He said the retail store has a different set of regulations that must be dealt with.

Mr. Darmofalski calculated the square footage of the 2nd floor. He said the total was 2,450 sq. ft. which was just the finished area. Mr. Fiorello said they would like the entire square footage of the entire mezzanine. Mr. Darmofalski said the entire mezzanine is 12,800 doubled so it would be 25,600 sq. ft. in total. Mr. Fiorello asked if the 2450 sq. ft. included the HVAC area. Mr. Darmofalski said it did not. Ms. Kallert asked if that affects the amount of parking spaces they would need. Mr. Darmofalski said the next witness would address that.

Mr. Fiorello asked if Mr. Darmofalski had reviewed Neglia's letter. Mr. Darmofalski said he did but most of the issues would be reviewed by the site engineer. He did review the fire officials report and they will comply but the Board has to understand that this is not fully engineered yet and is for purposes of conceptual design. They have agreed to meet all the codes and recommendations of all of the Board's officials. Mr. Fiorello asked if there were any items in the Neglia letter that have not been complied with in his area. Mr. Darmofalski said no. Mr. Fiorello asked about the Passaic County letter and Mr. Darmofalski said he saw the letter and all issues are site related.

Mr. Orlando asked if the restrooms are handicap accessible. Mr. Darmofalski said they will be and have to be by code.

Mr. Ianniello said next to the woman's bathroom the plan says cleaning/gunsmith. Mr. Darmofalski said yes that was something that was added. Mr. Ianniello asked if a shooter can now take the unloaded gun into that area. Mr. Darmofalski said that was correct. The gunsmith purpose is to accommodate someone who was there that needed a repair done it would be available. They wanted to dedicate an area that was in the safe zone for that also. Mr. Ianniello said the range officer is a way from that area and he is the one that makes sure when anyone leaves they are not taking out a loaded gun. Mr. Darmofalski said that was correct. Mr. Ianniello said the doorway was out of the range officer's supervision so anyone could walk down that corridor with a loaded gun to the restrooms or the gunsmith. Mr. Darmofalski said that possibility exists but it is not standard operating procedure. Mr.

Ianniello said in the world we live in not everything is SOP. He knew a member had a question about anyone going to the restrooms and now it has changed. He thought they could discuss this with the security witness. He suggested the range officer location be moved. Mr. Darmofalski said he was comfortable with the location of the range officer so he would be overseeing the shooting operation and if the Board has concerns with the safety of where the cleaning area is they can modify the floor plan or eliminate it completely. Mr. Ianniello did not think it should be eliminated but better safety measures could be in place so they can not walk with a loaded gun in that corridor.

Chairwoman Kallert said there is also the possibility of a gun going off in the cleaning area and asked if there would be 6" of concrete in that room. Mr. Darmofalski said it is not designed that way but they can make it that way. Chairwoman Kallert said she is thinking if a bullet discharges and it goes right through the woman's room that is going to be a problem. There are a lot of accidents with gun cleaning. Mr. Darmofalski said it is a point well taken. Chairwoman said now they are not only selling guns but they are doing repairs. She asked if it would be open to the general public or just those that would be shooting that night. Mr. Darmofalski said he is unable to answer that question. Mr. Ianniello felt there should be some discussion with other experts about the location of the cleaning/gunsmith area.

Ms. Patterson asked what the handwash location was. Mr. Darmofalski said it was an area to wash your hands after shooting.

Mr. Ianniello asked if they could come in the door not go anywhere near the shooting range and walk down that corridor with no security there. He could just walk in and see no one. Mr. Darmofalski said you cannot get in there unless you are buzzed in. Mr. Ianniello said that was good. Mr. Darmofalski said it will be a secure door at all times and they will check to make sure the firearm is cased. Mr. Ianniello said he was not comfortable with the way it was set up because there is only a cashier there. He felt there should be one on site but he was not comfortable with the location. Mr. Darmofalski felt he was telling him to find a better spot and make sure it is safe. Mr. Ianniello said there should be more control over who goes there and how they get there. Mr. Darmofalski felt they had enough room to address Mr. Ianniello's questions. Chairwoman Kallert felt it should also have the same walls and floors for protection as the rest of the range. Mr. Darmofalski said he hears their concerns and thinks it could be addressed. Mr. Decesare asked why they can't just have another officer posted in that location. Mr. Ianniello said there is a storage area on the plan that may be used as the gunsmith. Chairwoman Kallert felt the engineer was the best person to decide the safest location for the gunsmith. Mr. Darmofalski said they are going to revise the plans to accommodate or eliminate the Board's concerns.

Joseph Jaworski, civil engineer, was sworn in. He stated his qualifications and was accepted as an expert. He stated he prepared the colored version of the site plan with a revision date of 7/11/11. He also prepared the plans submitted to the Board. The only change from the original plan was the space of the existing building that is part of the project. The original space was 10,800 sq. ft. and now there is a small space being used to include the 50 yard ports. The existing footprint is the same and they are not adding on to the building. The

total square footage now is 12,800. The site has two access points from McBride Ave. He pointed out the paved area of the site and the graveled area of the site. The improvements to the site consist of areas being repaved and restriped. They will be removing two utility poles that encroach in the driveway along with a fenced in transformer area. In the front of the site there is a big pavement area where they will be restriping the spaces and putting in a landscaped green area along with the required ADA spaces and a ramp with a new doorway. They have shown a path with a decorative bench and a couple of decorative lanterns which will dress up the front of the site. The spaces will be restriped to include 9' X 18' parking spaces and 24' aisle for two way circulation. Along the side they will keep it consistent with a 24' aisle and two-way traffic. They will restripe those parking spaces to be uniform and meet the code. They have included fire lane striping and signs as per the Fire Dept.

Mr. Jaworski said there will be building lights around the façade of the building that help light the parking area. There was one comment about trash and recycling and currently the site does have a few dumpsters in the rear that are utilized by the auto body shop. They will be including trash and recycling dumpsters and directly behind the building there is a fenced off area that is open now so they will use that to provide the trash and recycling dumpsters. The recycling is the paper mostly from the targets. All the lead and brass that is collected from the bullets are recycled and stored in the interior. This is not kept outside.

Mr. Jaworski said the ordinance allows one parking space per 400 sq. ft. They had to look at the entire site even the buildings that are not part of this use. Basically on the chart on the side you have a total of 56,499 sq. ft. and when you divide that by 400 you get a requirement of 142 spaces. Realizing they have the auto body building and Creter vault in the rear there are areas in the rear that basically has storage of cars that are stacked up and it is not true parking spaces. They have delineated those areas and if you count them up along with the parking along the side you come up with about 126 spaces. It does not meet the requirement of 142 spaces that the ordinance requires. As Mr. O'Bierne said hopefully this will be a start of a redevelopment of the site where the back area can be organized better once those tenants come in or there is a change in tenancy. They will be restriping in the area he pointed out in the front and side where there will be 47 spaces. If you took just the square footage of the shooting range and the store which is 12,800 sq. ft. and divide that by 400 you come up with a requirement of 32 spaces. If the Board remembers the traffic expert was here and they did do a traffic study and count of what is expected for this type of facility and the testimony was that in a peak hour it was in the neighborhood of 17 cars in and out. He thought they had a total of 4 employees at the peak hour. Operationally the actual requirement that can be expected is about 21 spaces and they have 47. The mezzanine is 2450 sq. ft. which requires 6 additional spaces. Chairwoman Kallert asked if that would be 53 spaces required for the entire space per the ordinance. Mr. Jaworski said yes. If you took the ordinance requirement of 12,800 sq. ft. plus the mezzanine the requirement would be 53 spaces. Mr. Fiorello asked if that calculation was for the total mezzanine. Mr. Jaworski said that is not the total it is the part that is being developed and it is not the future mezzanine. Chairwoman Kallert asked how many would be required if you counted in the both floors that would be 25,600 sq. ft. Mr. Jaworski said it would be 64spaces because you are doubling it. Mr. Jaworski said the planner will hit the variances but his testimony is based on the traffic study where you are in the 20 to 25 space range that would be required

operationally for this use. Realizing they have a total site and a lot of room in the back and as that gets developed with the existing or future tenants that can get organized into additional spaces. But for this use the front and side parking they feel is adequate to allow for the parking for the range and the retail portion of the site.

Mr. Jaworski said they did mention the signage at the last meeting with the architect. The ordinance allows one sign per retail use on the front. They are proposing two signs for the use so that is a variance because they are one over. The two signs would be 3' X 20' which is 60 sq. ft. times two so there would be 120 sq.ft. The ordinance allows 5% of that façade for signage that comes out to be about 99 sq. ft. Take both of their signs at 120 sq. ft. you would be comparing that to 99 sq. ft. so it is about 21 sq. ft. over what the ordinance permits. Chairwoman Kallert said they need a variance for the number of signs and for the size of the signs. Mr. Jaworski said that was correct. He said there is an existing free-standing sign there now and they are basically proposing to relocate and reface that same sign which is about 47 sq. ft. They will keep the same size and move it closer to the driveway to allow them to put in a decorative bench and pavers. The ordinance allows one sign at 12 sq. ft. and the existing sign is 47 sq. ft. so they would need a variance to just relocate that and keep the same size. Mr. Briadoro thought the existing sign was 40 sq. ft. Mr. Jaworski said he has 47 sq. ft. but whatever the existing size is they will be keeping that. The height and the setback will be met.

Mr. Jaworski said he would run through the engineer's report but thought they were able to address most of the items. McBride Ave. is a county road and they have applied to the county and received their comment letters. They are engaged in conversation with the county and they do have a meeting setup with Elizabeth Newton from the county. They do know county approval would be a condition of any approval by the Board. They will submit a signed and sealed survey. They have addressed the type of material they will be using on the building. Mr. Solfaro said that was adequate. All striping and signage has been provided. They have indicated that the site is in Flood Zone X which means minimal flooding. They did obtain the actual turning template from the Fire Dept. and went through that and there was a question on one of the parking spaces and they will address that. They have addressed the trash enclosure. They have addressed the items regarding the bollards. They will address the comments regarding Lackawanna Ave. and they will comply by receiving all other outside agencies approval. They have addressed the Fire Official comments. Mr. Jaworski referred to the police dept. report. They will address all comments from the police dept. and meet with Sgt. O'Brien.

Mr. Juzdan asked him to address the county comments. Mr. Jaworski said the county items are standard conditions that they always put. As far as drainage is concerned they are actually decreasing impervious cover because they are adding some landscaping in the front. If they need to add an inlet or put something up in the front to make sure it is captured they will do that. Those are the type of items they will review in the meeting with the county. The traffic engineer will review the traffic counts and determine what has to happen with the driveways. They will resolve all of the items with the county to obtain approval.

Chairwoman Kallert asked Mr. Solfaro to clear up the parking issues for the Board. Mr. Solfaro said the applicant's engineer has testified that they need a variance because they are deficient in their parking demand which is calculated for all the uses on the site. He believed the site was 56,499 sq. ft. and adding on the 2250 sq. ft. for the classroom and lounge addition on the second floor that requires 148 -149 spaces. The testimony indicated that in the addition to the stacked parking and delineated parking spaces there are 126 spaces proposed or provided. Obviously there is a deficiency of 23 to 24 spaces not including the deficiency that would come into play if they decide to continue to propose construction for the other piece of the second floor addition which right now is proposed to remain vacant with no use. He would like a copy of the color rendering to clearly define where the parking would be and where it would be striped out on the property. The spaces are listed at 9' X 18' and asked if all of them are designed at that size. Mr. Jaworski said they were. Mr. Solfaro said then they comply with ADA and the size of the spaces but they are deficient on their parking demand. Chairwoman Kallert asked Mr. Solfaro what the amount of required spaces would be including the whole upper floor whether it is finished or not. Mr. Solfaro said his calculation is roughly 148 to 149 spaces which includes the proposed construction on the 2nd floor and the entire site. They applicant is proposing 126 parking spaces for the entire site. They would need a variance for 22 plus or minus parking spaces. Mr. Jaworski said the required for ADA goes on the total number of spaces. When you look at the entire site the rear area has stacked car spaces so it is hard to say. They are saying there is room for 126 cars in the rear but they are not physically striped that way right now. For the portion they are developing they will meet the ADA compliant for that number of ADA spaces along with the ramp and access to the building. Chairwoman Kallert asked if the spaces have to be paved and striped to be considered into what they are proposing. Mr. Solfaro asked if she was talking about the stacked area to the rear. Chairwoman Kallert said the portion that is gravel right now. Mr. Solfaro said obviously they would like to see it paved and striped but it is not proposed right now. Chairwoman Kallert felt people would not be parking adequately without the pavement and striping. She felt paving and striping it would get them closer to 126 spaces. Mr. Jaworski said yes but they are looking at the entire site but they are only developing a portion at this time so they are improving the 47 parking spaces in the one area but the rear area and the rest of the buildings are not being improved at this time. The applicant is basically asking almost for a phased development. When and if that gets developed then they can start improving the rear. Right now that area is used by the auto body tenant so they have cars that are stacked and stay there for a while. It is not like a shopping center lot where you need a certain amount of spaces and you have people moving in and out. They are confident that the improvement of this lot and the 47 spaces is going to serve the site fine for now. Once it gets redeveloped with new tenants or existing tenants that upgrade the owner has committed to his goal of improving the entire site and have it a viable corner. At this point their testimony is that this improvement to this lot with the front paved and striped would adequately serve this use and this portion of the building.

Mr. Fiorello asked how many spaces are required for the square footage of the 1st floor and the entire square footage of the 2nd floor. Mr. Jaworski said the 1st floor is 12,800 sq. ft. and if you took the entire second floor which would also be 12,800 sq. ft. you would require 64 spaces. Mr. Fiorello asked Mr. Solfaro when determining for the use for that building 1st

and 2nd fl., even though the entire 2nd floor is not going to be used at this time, do you still calculate parking on the entire square footage. Mr. Solfaro said he would not include it. He would only add in the classroom and lounge spaces would require 38 spaces and at this time they are proposing 47. If they do want to come in to expand the 2nd floor that would require a parking variance and that would trigger them to come back to the Board for approval.

Mr. Dicristina asked about the signage and if they could still do it and stay within the code. He asked how many businesses were advertised on the free standing sign. Mr. Jaworski said the free standing sign has all the businesses on it and is really serving the entire property so that is why they want to keep it at the size it is now. The wall signs are proposed to be 3' X 20' long which is 60 sq. ft. times 2 which would be 120 sq. ft. The ordinance allows 5% of the façade which comes out to be 99 sq. ft. Mr. Dicristina's question was could you make the building signage square footage comply. Mr. Briadoro said he would like to clarify that under the sign ordinance it says there should be no more than one principal sign for each retail establishment or permitted use there in. They are proposing the two retail uses so it is really not clear whether or not the 5% of the front façade would be per each retail sign. If that is the way it is interpreted than they don't need a variance for sign area. Mr. Fiorello asked what the two retail uses are. Mr. Briadoro said the range and the retail store. Mr. Jaworski said Mr. Darmofalski said they are taking the roof off and they are going to raise it so that façade actually got bigger so that 99 sq. ft. may become 110 sq. ft. of signage allowed. He just confirmed with the applicant that they can agree to comply with the total area whatever the 5% is they will make the two signs fit when you take the new proposed area. Chairwoman Kallert asked why they feel they need the two signs since it is one door and one common area. Mr. Jaworski said the testimony last time was it is a retail store and a range and they may be open at different times. It is really two entities in that building and the way it fit with the architecture to have the two signs just made sense. Mr. Dicristina said from the street there is not a great distance and many people have come before this Board who were asked to stay within the code. He felt they could still get great achievement even by staying within the code. He understands the freestanding sign and felt they made a valid point.

Mr. Solfaro said for the Board's edification, the testimony was there is going to be a new roof put on the building and he asked them to explain the proposed height will be and what the height restriction is for this zone and if a variance is required. Mr. Jaworski said the maximum building height is a 2-story building at 30' high. He deferred to Mr. Darmofalski as far as the proposed height. Mr. Darmofalski's plan showed a proposed height of 30' 5". Mr. Jaworski said they will not exceed 30' and a variance will not be required.

Mr. Dicristina asked to see the rendering up close. Mr. Jaworski showed his plan to the Board members. The color rendering of the overall site plan prepared by Dynamic Engineering was marked A-11.

Mr. Jaworski said the site is located in Flood Zone X which is minimal flooding.

Chairwoman Kallert said she knows they said the plans are not finished being designed but asked if at some point they could give the Board an idea of what the outside of the building

was going to look like. She felt this building was right on the 4 corners of the town and it is a very prominent area so she would like to know what it would look like.

BREAK – Call to order 9:00 p.m. Roll call, all present.

Mr. Darmofalski referred to his plan. He stated they will be eliminating the gunsmith/cleaning area at this time. He said the plan showed the height of the building at 30' 5 1/2" and they will be taking it down 5 1/2" to comply with the height requirement. He said last month the architect gave his testimony regarding the exhibit prepared by Paul Silverburg and he described the proposed roof. He stated the exterior of the building will be stucco and painted. Chairwoman Kallert said there have been many buildings developed in that area that look very nice and the owners of those buildings have been told if you are going to make changes the Board wants it to look nice and follow what is going on down there. This building looked a little industrial to her and it is on a very prominent corner. The Sunrise restaurant property will be developed with a bank and the property next door with the stone has been developed very nicely but this proposal looks industrial to her. Mr. Darmofalski said that would be something to discuss with the owner. Chairwoman Kallert said she would really like an artist's rendering like so many of the recent developments in that area have done. She felt they were trying to get away from the industrial look of the area because it is the focal point coming into the town. She felt the side and front are very visible coming down McBride Ave.

Mr. O'Bierne agreed. He said he has been working as a contractor on the site for over 10 years. He thinks the problem they face as developers and contractors is this is a unique application. He is confident it is going to do well and he believes it will prosper but just can't say in this economy. If he receives an approval he will be willing to invest his architect and engineer's time into coming up with a façade that will impress the Board. He will come back with a designer's plan in color that would depict what the Board would see when you drive or stand on McBride Ave. and look at the facility. He thought this was the keystone of the property and wants it to work. He would like everything on the property to center around this. He would like some of his tenants to stay because they are good tenants.

Art Bernard, planner, was sworn in. He stated his qualifications and was accepted as an expert. He stated he reviewed the 2003 and 2009 Master Plan re-examination reports, land development ordinance, the applicant's plan and the Board professional's reports. He has reviewed the Municipal Land Use Law and has been out to the site on several occasions. He described the site which is 3.8 acres. There is access onto McBride Ave. and Lackawanna Ave. There are masonry buildings on site and many of them are not very attractive at this time but the proposal is to start a renovation on part of the property. The space is approximately 12,800 s.f. per floor. A small portion of the space will be used for the sporting goods store and the remainder will be used for a shooting range that will include 16 ports. It is anticipated that not only the general public will be using the range but the local and regional law enforcement officials will be using it as well. There will be some major positive changes to the outside of the property and there will be a resurfacing and restriping of the parking to better define the parking. There are two parking spaces that actually back into the driveway and they will be eliminated. He sees this as a positive part of the

application because as cars are coming in those 2 spaces are in close proximity to the entrance on McBride Ave. and he thought that represents a safety issue. Not only are they getting a little more green area in the front but they are also getting better defined and safer parking as well. The applicant plans on replacing a very unattractive sign in the front of the property with a more modern pylon sign and also to propose the 2 new façade signs. The property is in the Commercial Center zone which allows for a number of retail, shopping center type uses but it does not allow for a shooting range so they require a D variance for the range. There are a number of existing nonconformities related to the front yard setback and the rear yard setback that are based on the existing structures. The applicant is doing nothing to change that situation. The bulk variances based on the changes heard tonight is the free standing sign is limited to 12 sq. ft. and the applicant is proposing to replace the existing sign with the sign of the same size which he understands to be 40 sq. ft. The applicant requires relief for the height of the façade signs where 2' is permitted and 3' is proposed. The applicant has agreed to eliminate the need for a sign area variance. There was discussion of the applicant requiring a variance for the number of signs and it is his understanding that variance is not necessary because there are two businesses so they are permitted the 2 signs on the façade. The required parking is around 148 to 150 spaces for the entire site and the applicant can provide with stacked parking that works fine when people are dropping off cars for the auto body operation. The applicant is providing 126 spaces. They would require 38 spaces in the area around the building for the range and store and they are providing 47 spaces.

Mr. Bernard stated with regard to the free standing sign it is replacing a sign of the same size. If you are familiar with the area the other signs are very noticeable along the street and are of similar size and he would suggest to the Board that the proposed free standing sign is not out of character with the area. He thought more importantly when you are driving down McBride either way you are not only dealing with a lot of traffic depending on the time of day but if you are looking for a business you are dealing with a lot of clutter on McBride. The clutter being in the form of electric poles, wires, a series of curb cuts that make it difficult to determine which driveway you want, there are number of signs you are looking through and then there are some street trees which look nice but screen some of the signs. In his opinion the larger façade sign is going to make it easier for motorist to zero in on the driveway they want to make the turn in and therefore a safer turning movement into the site. The slightly larger sign will allow people to see what businesses are located in there from the road.

Mr. Bernard said in regard to the parking variance, the ordinance has a General Commercial standard of 1 space per 400 sq. ft. The ordinance does not have a standard for a shooting range and this type of facility. Based on 12,800 sq. ft. the applicant would have required 32 spaces with the addition it would be 38 spaces. They have heard testimony from the traffic expert that operationally during the peak hours there would be 17 trips into the site. It is his recollection of that same testimony was that using a comparison to a driving range the facility would require 1 ½ spaces per port and there are 16 ports which would be 24 spaces plus 4 spaces for the store that would be 28 spaces. The ordinance requires 38 spaces and the applicant is providing 47 spaces in that general area of the building. It seems there is

ample parking on this portion of the site for the use and the parking will probably work better because the spaces will be better defined.

Mr. Bernard said in regard to the use variance, he will start with the surrounding land uses. If you look at the site the land uses are commercial in nature such as a car wash and a shopping center. There is also a relatively large piece of property that is owned by the DOT. The proposed use is completely isolated from residential uses. He concludes the sporting goods store and the shooting range are compatible with non-residential uses in the area and in fact he finds the site is particularly suitable to the use. He felt the building is made of masonry and steel which makes it easier to convert it into a shooting range. He said they have heard testimony that it would be difficult to hear noise from the shooting operation and if there was noise you could hear he is confident based on his site visits that it would be drowned out by the ambient noise levels that come from not only McBride Ave. but also from the car wash. He thought it was particularly suited for the use because the uses in the area would not be disturbed by any perceptions associated with a shooting range because of the car wash and the uses on the site.

Mr. Bernard referred to the 2009 Master Plan re-examination and felt the proposal advances the purposes and goals of that report. One of the goals is to encourage the development of various uses including commercial and recreational facilities. This shooting range would address the needs for local people to practice and receive training in firearms and also the needs of the local police. Future improvements to the property and this proposal should help increase the municipal tax base. The Master Plan actually advocates for allowing compatible non-industrial uses in industrial areas to allow large scale industrial areas to continue to operate. This non-industrial use will result in improvements to the building and help promote a better use of the property. Another special reason for granting the use variance is that it advances several purposes of the MLUL, which is to encourage an appropriate use of land and to provide sufficient space in appropriate locations for a variety of uses which include commercial and recreational uses such as this one. Another purpose of the MLUL that he thought this application promotes is the free flow of traffic. The new signage will help motorists make safe traffic movements into the site and help traffic once they have entered the site into identifying where the new businesses are and where to park. He also finds that the elimination of the two parking spaces near the curb cut of McBride would prevent cars from having to stop once they enter into the driveway because there are cars backing into the driveway. The application also promotes a desirable visual environment through the renovation of the building and improving the parking areas and the use of the new signage. These are the positive criteria in his opinion.

Mr. Bernard said in dealing with negative criteria he finds that there is no substantial detriment to the public good and in fact he thinks the public will benefit by having a safe place to practice with their firearm and to receive training. He finds the use is compatible with surrounding land uses. The use will not generate a great deal of traffic and the use will not generate any significant noise. He also needed to address whether there is a substantial detriment to the zone plan and he does find there is not. He says that because the re-exam report specifically talks about endorsing compatible non-industrial uses in industrial areas and specifically talks about endorsing commercial and recreational facilities to serve the

needs of Borough residents. He finds the benefits of the proposal exceed any detriments associated with the bulk variances. He has to reconcile the omission of the use from the zone plan and under the case law he can do that by convincing them the site is particularly suited for the use and based on the language of the re-exam and endorsing compatible non-industrial uses in industrial areas and commercial and recreational facilities to serve the needs of the residents.

Mr. Juzdan asked if in reviewing the zoning laws if he saw if it specifically says no shooting range. Mr. Bernard said the short answer is no but he did see a section of the ordinance that prohibits shooting galleries in a section that dealt with amusement type uses including amusement parks. It would be his interpretation that the term shooting gallery is different from the term shooting range. Mr. Briigliodoro said prior to filing the application he did speak to the zoning officer and he shared that opinion and it is his understanding that when he issued the letter of denial he did not indicate that this use was specifically prohibited under the ordinance for that reason. The zoning official's interpretation was the prohibitions in the ordinance talks about the Commercial Center district that shooting galleries, dance halls, discotheques, bowling alleys, merry go-rounds, ferris wheels and amusement parks, and all similar amusements are not allowed. The zoning officer is suppose to give plain meaning to the words in the ordinance. He believed the zoning officer issued a memo to the file addressing that ordinance. Mr. Fiorello reviewed the memo. Chairwoman Kallert read the memo to the Board. The memo stated it is his opinion that the intent of the ordinance is to specifically prohibit shooting galleries as an amusement which is typically found in carnivals and amusement parks not a shooting range that uses live ammunition and provides a location for proper target practice. She said not all of the uses stated are found at a carnival such as bowling alleys and billiard parlor. Mr. Bernard said the first thing he thought about was a shooting gallery at a carnival and not a range. He can't speak for the zoning officer so that is as far as he can go. Mr. Fiorello asked if a shooting gallery in his mind referred to weapons that shoot bullets. Mr. Bernard said he felt they were more a toy. Mr. Fiorello asked what they shoot. Mr. Bernard said he remembers being at a shooting gallery as a kid and they would shoot something at a target to knock something down. It could be water or BB's but certainly not this.

Mr. Juzdan said he would interpret it that what they are speaking about is a use of a licensed weapon versus the general public being able to walk up to a table put \$ 2.00 down and shoot something else. Chairwoman Kallert felt when the Master Plan and codes were done they did not anticipate someone opening up a carnival shooting gallery. She felt a shooting gallery is anything with pistols. The Board has to take into consideration what it says and make their interpretation of what it meant. The ordinance was written in 1979.

Mr. Fiorello said they learned tonight that the owner intends to have a shooting club here which they did not hear the last time. Looking at his notes from last time the officer said they have a club in Riverdale which is much smaller than what is being planned here and he said they had 100 members and 300 associate members and at any one time they have a 100 people at their site. The fact there is going to be a shooting club now would it change the fact there will only be 17 cars there at one time. If 100 members show up for a shooting contest where would they park. Mr. Bernard said what comes to his mind is there are only

16 ports which would be the overall limitation. Mr. Fiorello said if there is going to be a contest the Board was told that is why they have the lounge so people could wait until its time for them to shoot. Riverdale has a small facility and they have 100 members and 300 associate members. He did say they have 100 people a week. Mr. Bernard said there are 47 spaces in the immediate vicinity of the range. The facility works well in terms of parking right now and did when Furniture to Go was there. It is his understanding that this would generate similar traffic to Furniture to Go. The fact that it is a club or open to the general public he did not see where it made a difference in terms of the parking. Mr. Fiorello asked if they anticipate police officers from surrounding towns to use this as well. Mr. Bernard felt it was quite possible and thought he actually heard that at the last meeting. Mr. Fiorello asked if he knew if there was any survey taken about residents clamoring for a shooting range in this town. Mr. Bernard said no.

Mr. Fiorello asked if it was his understanding as it is his that when you have a use variance you have the need for bulk variances that they are subsumed with the use variance. Mr. Bernard said he has been to different boards who treat it differently. In Middlesex county the judge issued an opinion of that and it seems to be the case there. In other areas he has addressed the bulk variances so he did here. Mr. Briigliodoro agreed with Mr. Fiorello.

Chairwoman Kallert asked if there have been any studies as to how many people in Woodland Park are licensed to carry firearms. Mr. Bernard said he is aware of none. Chairwoman asked what the maximum occupancy allowed now that they know the additional square footage. Mr. Bernard said he only knows the number of ports which is 16.

Mr. Perry, Board Planner, commented that Mr. Bernard has satisfactorily addressed the criteria that he set forth in his letter date 6/20/11. He has professionally approached the D variance and placed those proofs on record. Actually for the purposes of zoning in the beginning of land use you only have to provide and address one and he actually addressed four. It is a pleasure to hear someone actually address the things they are suppose to address and he concurs with his findings.

Mr. Briigliodoro said he has no further witnesses. Chairwoman Kallert said she was under the impression that the Corporal who addressed the safety issues at the last meeting would be here again tonight. She had some safety questions. Ms. Patterson agreed she needed some more information. Mr. Briigliodoro said the corporal is not here but they do have another certified firearms expert present tonight.

Theodore Guis, certified firearm instructor, was sworn in. He stated his background and firearm experience. He was accepted as an expert.

Chairwoman Kallert said she was not present at last month's meeting but did watch the DVD. She asked if there was an age limit on who can go in and use the pistol range. Chief Galietti did testify that people do like to bring their children in. Mr. Guis said the owner will set that up. In New Jersey you can hunt at 11 years old. Most ranges would probably be 11 years old. In Riverdale the junior program that is fully supervised starts at 8 years old with rifles. Chairwoman Kallert asked if someone came in with a minor if there would be

two people in the port. Mr. Guis said most ranges and at this facility too anyone under the age of 18 years old and not having their own firearms ID card the sponsoring adult would have to be physically in the booth with them at any time they were touching the firearm. So there would be one instructor and one minor, not two people firing. Chairwoman Kallert asked what she would have to show to actually shoot at the range. Mr. Guis said you would need a firearms ID card which is not a picture ID but it does have a fingerprint on it. Someone who is the first time to the range and wants to shoot is going to have to show the firearms ID card and driver's license to back it up which does have a photo. Chairwoman Kallert asked if they demand a photo ID. Mr. Guis said in Riverdale they do require a photo ID. At that point they have to go through orientation which will be scheduled once a week or once a day depending on customer load. If they do it once a week they will be told when to show up. Once you have taken the class you have to come in show ID and membership card to show you successfully passed orientation. Chairwoman Kallert asked if they check at any time to make sure the gun is registered. Mr. Guis said there is no law in NJ that requires registration. If you move from Pennsylvania where you bought a gun and move to New Jersey without getting in to the laws that are extremely complicated but the reality is any police officer is going to ask to see the firearms ID card when transporting a firearm. Chairwoman Kallert said that some police officers like to bring multiple weapons and asked how that would be controlled. Mr. Guis said the only place a firearm can be handled is in the shooting port. He can bring multiple guns but can only handle one in the port. The only time the firearm is not locked in a safe position is when it is in his hand. If he wants to bring more firearms he can but if it is not in his hand it has to be in a safe condition. Chairwoman Kallert asked about a security system in the event of a fire or emergency. Mr. Guis said everything in the range is both audible and visible. There are strobe lights and safety lights as which time if a range officer calls a cease fire those lights and strobes go on in addition to the audible warnings.

Mr. Juzdan asked if somebody comes in to buy a firearm what is the procedure. Mr. Guis said the short answer is as a license holder who operates the store has to comply with all NJ and Federal laws. In order to buy a handgun you have to obtain a handgun purchase permit from the local police department. The firearms ID card allows you to buy shot guns, rifles and ammunition. Mr. O'Bierne showed the Board his ID cards. Each hand gun you purchase requires another permit. Chairwoman Kallert said they will also be selling knives in the store and asked the age you must be and what ID you need to show in order to buy a knife. Mr. Guis said he deferred to the store operator. There is an age limit of 18 years old but no paperwork is required.

Mr. Guis said in talking about the extra space for the future. He wanted to clarify the reasons for the roof and the deck is to provide the ballistic protection for a bullet not to get out through the ceiling. Right now there are no plans to expand the second floor.

PUBLIC OPEN – CLOSED

Mr. Dicristina felt it would be a capital improvement to the property and would serve sportsmen who fancy pistols and would serve the police community. He went to the Fairfield range to listen to the sound outside. He could hear a little boom boom but it was

not offensive. It is different and not something he expected but he did not really have a problem with it.

Ms. Patterson said she has grown up around guns all of her life. She knows that everyone is concerned about safety. There were five of them in her family so she is not concerned because she knows there are SOP's in place. She is sure everything that can be done will be done and it will add to this area that they are trying to build back up. She felt developing the area at the beginning of the town is good. She is sure there are people in town who have guns. She does not know how you take a survey to how many residents have guns. She felt this is an improvement and will be useful to our police dept. and others in the area. She did not think this was a negative and thought it could work.

Mr. Juzdan felt the application came together a little better now. He felt they went from one floor of 10,000 sq. ft. to 2 floors and possible 25,000 sq. ft. He thought it is probably a good thing with certain conditions such as the large portion of the 2nd floor not being finished and meeting the conditions of engineering, fire, county and police reports.

Mr. Ianniello felt the questions he had were pretty well answered. He felt if it is done properly it will probably enhance that corner. He did not have a problem with this application.

Mr. Pascrell felt all his questions were answered as well and felt the applicant did a thorough job presenting the plans and witnesses.

Mr. Decesare said he agreed with the other commissioners. He applauded the applicant for doing the right thing and making it a nice building. He felt it would help the local police and was for the project.

Chairwoman Kallert felt all of the questions were answered tonight. She would like to see an artist's rendering just to make sure it fits in the area where it is. She felt that could be a condition of approval.

A motion to approve the use variance, bulk variances for sign height, sign area and parking, preliminary and final site plan with the following conditions: all requirements of the Board Engineer, County of Passaic, Police and Fire Dept., and any state agencies that have jurisdiction and to include all conditions in the minutes was made by Ms. Patterson, second by Mr. Ianniello and approved by a vote of 7 - 0.

A motion to adjourn was made by Ms. Patterson, second by Mr. Dicristina. All in favor. Meeting adjourned.