

REGULAR MEETING OF APRIL 14, 2008

The regular meeting of April 14, 2008, was called to order by Chairman Peter Kortright III, at 7:35 p.m. The notice of the Open Public Meetings Law was read.

Roll Call

Present: Chairman Peter Kortright III, Deputy Mayor Lisa Swain, Vice-Chairman Todd Malkin, Joseph Baladi, Philip Cassidy, Larry Metzger, Michael Cohen, Joseph D'Arco
Absent: Honey Morgenstern, Barry Winston & Alan Neggia

Also present: Board Engineer Kevin Tichacek, Attorney Heather Goldstein and Board Secretary Cathy Hochkeppel.

Approval of Minutes

Upon motion by Vice-Chairman Todd Malkin and a second by Deputy Mayor Lisa Swain, the work session minutes of February 11, 2008, were unanimously approved. AYES: Chairman Peter Kortright III, Deputy Mayor Lisa Swain, Vice-Chairman Todd Malkin, Joseph Baladi, Philip Cassidy, Larry Metzger, Michael Cohen Abstain: Joseph D'Arco

Upon motion by Vice-Chairman Todd Malkin and a second by Larry Metzger, the special meeting minutes of March 3, 2008, were unanimously approved. AYES: Chairman Peter Kortright III, Deputy Mayor Lisa Swain, Vice-Chairman Todd Malkin, Joseph Baladi, Philip Cassidy, Larry Metzger, Michael Cohen Abstain: Joseph D'Arco

Upon motion by Michael Cohen and a second by Deputy Mayor Lisa Swain, the work session/regular meeting minutes of March 10, 2008, were unanimously approved. AYES: Chairman Peter Kortright III, Deputy Mayor Lisa Swain, Vice-Chairman Todd Malkin, Joseph Baladi, Larry Metzger, Michael Cohen Abstain: Joseph D'Arco and Philip Cassidy

General Public Comment

Harvey Rubinstein, 28 Rutgers Terrace commented that the property discussed at the conceptual review could be required to have geothermal review. He thought there also might be regulations regarding the PSE&G substation and buffering around that property.

Russell Van Ness asked if this was the time to comment about the River House Condominiums and was told that would be later during the hearing. As no other public wished to be heard, Chairman Peter Kortright III, closed the time for public comment.

River House Condominiums; 13-21 & 13-29 River Road; Block 5610, Lots 33-38; major site plan

Jeffrey Kantowitz appeared on behalf of the applicant. He explained that the application was for site plan approval and variances. The witnesses include the engineer, Joseph Jaworski, Raphael Danon, architect and planning consultants. This is a proposal that continues the redevelopment of the corridor consistent with the River Road corridor. The applicant is asking for several variances and the architect will present the kind of building that has been encouraged in this area. Jeffrey Kantowitz added that he filed the proofs of services and publication with the Board Secretary.

Attorney Goldstein swore in Joseph Jaworski, Engineer, who qualified as an expert engineer. Joseph Jaworski explained he prepared the various site plans. A colorized version of page 4 of the site plan latest revised March 19, 2008, was marked as Exhibit A-1.

Mr. Jaworski explained that the existing site is located just south of the Chase Bank site. It is ½ acre and has two structures plus a garage. The proposal is to remove those structures in their entirety and build a mixed use building with retail on the first floor and residential on the second and third floor. The building will be set five feet off the property line. The access to the site will be a common driveway that will be 24 feet wide and will serve as the ingress and egress. There will be a single aisle for parking along the west side and along the east side. He explained the overhang which is similar to the B&B Liquors building. In addition, the building will have garage spaces in the building and a space behind it. The parking is based on two components – retail and residential. The proposal has a total of 17 units, eight one-bedroom units and nine two-bedroom units. The retail space is approximately 3,700 square feet. Forty-one spaces are required based upon RSIS and 41 are proposed. Included in those spaces are the garage spaces for the residential portion. He explained the parking area in detail. There will be a 10X15 enclosure for the trash. The landscaping includes a five-foot buffer along the rear. The overall development is consistent with the new development along River Road. He explained that they are working with Boswell Engineering on the lighting and drainage details and have no problem complying with Boswell Engineering's requests. The design objective is to provide a safe and adequate parking lot and eliminating light from going onto the neighbor's property. The drainage will have an underground retention basin which will capture the run off. The variances being requested are building height; the

proposed building height is 36 ¾; wherein 33" is permitted, 55% building coverage where 40% is maximum and impervious coverage of 95% where 90% is maximum. The minimum rear yard set back is 54 feet and the proposal is 45 feet. The applicant is also requesting a variance from providing a loading space as this retail space does not produce the need for a separate loading zone.

Joseph Jaworski stated that they spoke with Jay Bender and have requested the turning radius of the fire truck to verify that the driveway would be unobstructed. They will also require County approval. This design is much safer than existing conditions since instead of four curb cuts, there is only one.

Board Engineer Kevin Tichacek stated that there are other variances needed as pointed out in their letter of February 20th and Mr. Kantowitz concurred. Engineer Jaworski explained the overhang and stacked parking. They are common, consistent factors with the new developments on River Road. The use of this technique makes efficient use of the land on this property.

Vice-Chairman Todd Malkin pointed out that per Borough Code, 43 spaces are needed. Larry Metzger asked about the garage spaces and they were explained in detail. Philip Cassidy questioned the proposed ingress/egress with the neighbor. Mr. Kantowitz explained that there currently is an easement for a shared driveway with the southerly neighbor and they will contact them again regarding cooperative parking.

Jeffrey Kantowitz explained the various techniques involved in enforcing the reserved parking. Dr. Michael Cohen asked if roping or bollards could be used and Jeffrey Kantowitz explained that it could cause another host of problems. Vice-Chairman Todd Malkin asked about the meeting with the neighboring property owner and Jeffrey Kantowitz explained that it would be preferable to work out an arrangement with the southerly neighbor rather than use the George Street lot. Deputy Mayor Lisa Swain asked about the interior lighting and was told that the architect would be better suited to answer. Deputy Mayor Lisa Swain also suggested more trees. The applicant would be willing to consider additional shrubs in the rear. Board Engineer Kevin Tichacek commented that the rear buffer is only five feet with a two foot overhang which makes it difficult to support anything substantial. Joseph Baladi asked about the utility plan and Board Engineer Kevin Tichacek indicated the structures should be adequate. He also noted that the curb detail should be eight inches. Mr. Baladi asked about the shared driveway and was told the easement was recorded.

Joseph D'Arco asked about the curbing by the dumpster and was told it was flush to the ground. In response to his question, it was explained that the notation for future access

was in the event the bank decided they wanted access. The applicant cannot control that but would be willing to supply access.

Deputy Mayor Lisa Swain asked about handicapped access and it was explained that two spots are provided and they would have access through the side entrance. She suggested a handicapped space on the street and Chairman Peter Kortright III, explained that the County will not permit it.

Chairman Peter Kortright III, stated that the applicant is tight with parking. He asked about a cooperative parking agreement. Jeffrey Kantowitz explained that they were hoping to gain Board approval and then proceed with negotiations. Chairman Peter Kortright III, stated that the agreement should be in place or at least the details be arranged prior to Board approval.

Chairman Peter Kortright III, recessed the meeting at 9:20 p.m. and the meeting was reconvened at 9:30 p.m. with all members present as previously indicated.

Joseph Valenti, 7-11 Hopper Avenue asked about the height of the plantings into the buffer zone. He explained that he lives behind B&B and people look into their yard. Mr. Jaworski explained the plan shows a series of trees as well as a six foot high fence but they can make it go higher. He also expressed concern about the noise generated by the trash area. He stated that he has had issues with trash being picked up as early as 3:30 a.m.

Harry Poster, 13-10 Second Street asked if there were other developments with 17 enclosed garage units. Mr. Jaworski stated it is similar to many other mixed use products that they designed. He also questioned how the parking behind the garage will work since if someone took the spot, it will block the resident from leaving. Mr. Jaworski indicated the spaces will be signed and striped.

Robert Menist, 13-40 George Street, indicated he lives on the northerly side. He asked about the landscaping on that side. Mr. Jaworski stated since there is an existing parking lot, there is not a big need to landscape the area.

Sandra VanNess, 13-22 George Street, explained that their backyard faces the proposed parking lot. She explained that she does not want large trees since they have a pool in their backyard.

Anna DiNardo, 13-06 Second Street stated that she is concerned about parking on holidays as there are not enough parking spaces to begin with. Joseph Jaworski stated

the applicant is looking into cooperative parking. This application is similar to others on River Road where there is a shared parking agreement.

Jeffrey Kantowitz stated that he will have a traffic engineer testify who will address the stacked parking. The applicant will create an environment that discourages people from parking inappropriately.

Harvey Rubinstein, 28 Rutgers Terrace, noted that isolux lines go out over the other property. Mr. Jaworski explained that they are addressing that issue. He asked about the stacking of parking and was told this is a design waiver. Mr. Harvey Rubinstein asked if the building was smaller, could you make a large buffer. The engineer replied affirmatively.

Greg Miller, 5 Ramapo Terrace, asked about the space between where the concrete pad. Mr. Jaworski explained that there is a 24 foot aisle so it will be functional. It is about 29 to 30 feet. It is for trash and recyclables. The applicant will make arrangements for a private scavenger. The timing of those pick ups can be limited and can be part of the resolution.

Harry Poster asked if the residents would be using the trash receptacles and was told yes. He said residents will be throwing their garbage away very early in the morning making noise. He asked about the type of container and was told it will probably be a metal dumpster with a plastic rubber cap.

Ms. Goldstein swore in Joseph Stieger who qualified as an expert traffic engineer. He testified that he reviewed the site plan. He explained that having a garage and parking space right behind the garage is typical of a driveway and is used throughout the state. He also explained that there is a correlation with number of bedrooms and number of people and /or cars. A one bedroom unit will have less than the two bedroom units. He explained that the RSIS standards applied to all of the State including less densely populated areas. He explained that the uses are complimentary. Residential parking during the day is lower than in the middle of the night. The retail is closed and has zero or minimal parking needs. During the middle of the day, the residential is at a minimum. Retail and residential are very compatible in a parking arrangement. He testified that he believed the parking needs will be met by this arrangement. He also pointed out that because they are eliminating curb cuts, there will be 3-4 additional street parking spots. He testified that he believed the parking arrangement would work well.

Larry Metzger asked how many different stores and was told 3-4 could be possible. Mr. Metzger wandered where all the employees would park and was told often employees are directed to park elsewhere. Philip Cassidy asked about the safety of handicapped

individuals transversing the lot. Mr. Steiger explained that the movement of that traffic is slow and one can see the other. It is not high speed and he felt it was safe. He added that there is a sidewalk area that is four feet wide on the side of the building.

Chairman Peter Kortright III, opened the time for public questions of this witness.

Harvey Rubinstein asked about the size of the handicapped space and was told it is 8 feet plus 8 feet of striping. He also asked about the possibility of a medical use in the building. Mr. Kantowitz stated the applicant has not proposed medical use. Ms. Hochkeppel explained that the parking requirements are different and the applicant would be required to come back to the Board if a medical use was proposed.

Joseph Valenti, 7-11 Hopper Avenue, Fair Lawn, New Jersey, asked how the traffic expert could perform a study encompassing both traffic flow and parking but is not aware of the utilization of the George Street parking lot. Mr. Steiger replied that the site itself will meet its own demands 99.5% of the time and he does not believe it needed additional parking. He added that cooperative parking is a good thing for the downtown area.

Harry Poster asked if there were other places that had this type of stacked parking. Mr. Steiger stated that it is seen everywhere.

It was agreed among the parties that the matter would be carried to the May 12, 2008, meeting without further notice.

Adjournment

Upon motion by Todd Malkin and a second by Michael Cohen, the meeting was unanimously adjourned at 11:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Land Use Administrator/
Secretary of the Planning Board

CH:blcl