

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
May 14, 2015

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 7:30 PM.

Present at Roll Call:

Mr. Fehre
Ms. Rosenberg
Mr. Chinman
Mr. Kilmartin
Mr. Kiky Kim, 1st Alternate
Mr. Surace, 3rd Alternate
Mr. Sean Kim, 4th Alternate

Absent:

Mr. Dooly
Mr. Trovato
Mr. Nikow
Mayor Parisi
Councilwoman Oh
Mr. Duffy, 2nd Alternate

Also Present:

Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer
Michael Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, The Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace.

Flag Salute led by: Jill Rosenberg

Old Business:

Application #248K - Impervious/Front Yard Coverage & Driveway Variance
Gregory Eaton – 14 Jean Drive – Block 1103 Lot 19
Approved – Resolution

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. The Chairman asked for a motion to approve. Motion was made by Mr. Kilmartin, seconded by Mr. K. Kim. Chairman asked for roll-call vote of the members that were eligible to vote: E. Fehre, R. Kilmartin, K. Kim, V. Surace and S. Kim, they each voted to adopt this Resolution; it was unanimous.

Application #238K - Major Subdivison
Estate of Josephine Mauro
361, 365, & 369 Mauro Rd. – Block 406 Lots 1, 2, & 3

Carried without additional advertisement to June 11, 2015 meeting.

Application #250K - Site Plan Approval and Conditional Use Variance
Montrose Dean, LLC – 476 Sylvan Ave. - Block 506 Lot 13

Mr. Cereste stated that at the last meeting the board had suggested that we submit a change to the original application. There have been a number of revisions made. One being the closing of the driveway on the south side of the property, the closing of the additional curb

cut, moving of the handicap parking and eliminating of the 2 tandem parking for the employees. We have moved the trash further north and added more landscaping. Ingress and egress is the existing and will be on Sylvan Avenue. We feel this has addressed the issues in regards to the neighbors.

Mr. Kates asked to mark the new colorized version of the Site Plan as exhibit A-6 revision date of April 24, 2015 page CS1.

Mr. Fehre questioned if we need the sidewalk all the way to the residents. Mr. Mirandi stated that at the last meeting Mr. Fehre mentioned to stop it at the start of the buffer zone so that there will be more vegetation towards the residential zone. Mr. Mirandi stated that the sidewalk on John Street is a good idea and supports it. The sidewalk doesn't have to go to the residential home unless they have a sidewalk.

Mr. Kurus of Neglia Engineering described the new site plan drawing which has landscaping and is colorized. The house to the west does not have sidewalks but one has the sidewalk ending at the driveway.

Mr. Kilmartin questioned the number of parking spaces on the new plan. Mr. Kurus stated that there will be 12 spaces this will be a variance now since we are required to have 14 which we had at the original plan.

Mr. Fehre asked what variances you are now requesting. Mr. Cereste stated one for 2 parking spaces, the projecting sign which is a preexisting condition, parking in the front, parking space size, driving aisle width, minimum parking set back, minimum corner set back, lot width existing nonconforming, D-3 variance required.

Mr. Cereste stated that most of the variances are pre-existing. He stated that the changes are a good design and they have addressed the issues that were brought forth from the previous meeting.

Mr. S. Kim questioned if there was any changes to the floor plan. Mr. Cereste stated no they will remain the same.

Mr. Kilmartin questioned if someone is to park in the rear will they most likely use the rear door to enter the building. Is that going to be a real entrance?

Mr. Vergona came in and answered Mr. Kilmartin's question yes.

Mr. Mirandi questioned Mr. Kurus if the loading area has changed because it looks like it will be a side pickup. Mr. Kurus stated that trash pickup will be during closing hours. The aisle width will be 26" and it would be a side pickup.

Mr. Mirandi wanted more clarification of the ADA required parking space. Mr. Kurus and Mr. Cereste stated that there are drawings showing how the cars would go in and out of the parking spots. Mr. Kurus described the vehicle circulation pattern on how the parking would work.

Mr. Rosenberg questioned how many employees will be there. Mr. Cereste stated on peak hours there will be 4.

Chairman Fehre then requested a motion to open to the public. Motion was made by Mr. Chinman, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Mr. Morfesis, 26 John Street, Englewood Cliffs, NJ stated that the new plan looks beautiful but how are they going to get all these cars in and out. People didn't even want to park on the lot they just want to park on John Street. The plan looks good but it just doesn't make it right. This will still be a problem. He is still against this application.

Mr. Bruce Morrissey, Esq, 456 Sylvan Avenue, Englewood Cliffs, NJ on behalf of Mr. Steven Morfesis what are the operational hours. Mr. Macagna stated operational hours will be 6 am - 6 pm baking starts at 4 am by one person seven days a week.

Mr. Cereste stated all the ventilation is on the north side and should not impact the residents.

Mr. Morrissey questioned Mr. Cereste that the building was not utilized on Sunday when the prior deli was there. Mr. Cereste stated he was not aware of it.

John Sinda, 24 John Street, Englewood Cliffs, NJ in regards to the operation being 6 am - 5 pm. Parking is there till 10 pm since Grissini's uses it. I am not sure if they are getting income from the parking or allowing them to use it so there is still movement on the property well after hours.

Mr. Kates stated that a condition to approval will be that the lot will not be used after hours.

Mr. James Macagna they are right and yes it has been a deli but the new plan is going to address the issues for parking because there will be more than there is now and it will be cleaned up. He stated that 50% of the business will most likely be deliveries.

Chairman Fehre then requested a motion to close the public portion. Motion was made by Mr. Chinman, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Mr. Fehre asked for a motion to deny the application. Motion was made by Mr. Fehre with no one seconding the motion.

Mr. Chinman made a motion to approve the application with the following conditions:

- Grissini's not to use the property for parking or garbage.

- Operation hours will be 6 am - 5 pm.

- Property/parking not available to 3rd party after hours.

- Garbage pickup off hours no pickup on Saturday & Sunday

- Ventilation on north side of building.

The motion was seconded by Mr. Surace. This motion was approved by roll-call vote. 6 Ayes (Ms. Rosenberg, Mr. Chinman, Mr. Kilmartin, Mr. Kiky Kim, Mr. Surace, and Mr. S.Kim), 1 Nay (Mr. Fehre), No Abstentions

New Business:

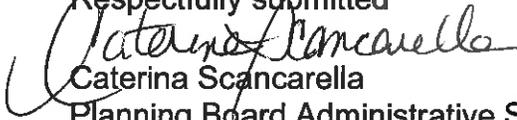
No New Business

Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Kilmartin, seconded by Mr. Rosenberg and carried unanimously by voice vote.

There were no comments.

Chairman Fehre asked for a motion to close the public portion, and adjourn the meeting at 8:34 pm. Motion was made by Mr. Surace, seconded by Mr. K. Kim and carried unanimously by voice vote.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Caterina Scancarella".

Caterina Scancarella

Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD
REGULAR MEETING – May 14, 2015 7:30 PM

10 Kahn Terrace, Englewood Cliffs, NJ

CALL TO ORDER

The meeting of the Englewood Cliffs Planning Board will come to order this (date). The time is (time).

"OPEN PUBLIC MEETINGS ACT" STATEMENT

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace, Englewood Cliffs.

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES: April 9, 2015

OLD BUSINESS:

Application # 248K - Impervious/Front Yard Coverage & Driveway Variance
Gregory Eaton – 14 Jean Drive – Block 1103 Lot 19
Approved – Resolution

Application #238K - Major Subdivision
Estate of Josephine Mauro – 361, 365 & 369 Mauro Rd.
Block 406 Lots 1,2,&3

Application #250K - Site Plan Approval and Condition Use Variance
Montrose Dean, LLC – 476 Sylvan Ave. – Block 507 Lot 13

NEW BUSINESS:

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF GREGORY :

EATON AND ALICE EATON FOR DIMENSIONAL : MEMORIALIZATION RESOLUTION

VARIANCES RELATING TO A CIRCULAR DRIVEWAY : APPLICATION NO. 248K

FOR LOT 19 IN BLOCK 1103, 14 JEAN DRIVE :

WHEREAS, GREGORY EATON and ALICE EATON applied on or about January 16, 2015 to the Planning Board of the Borough of Englewood Cliffs for a residential variance to construct a circular paver driveway with permeable pavers, in the "R-A Single-Family" zoning district; and

WHEREAS, a public hearing was conducted on April 9, 2015, upon proper notice certified by applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

WHEREAS, applicant was represented by Nicholas G. Sekas, Esq., of The Sekas Law Group, LLC, 530 Sylvan Avenue, Englewood Cliffs, NJ 07632; and

WHEREAS, interdepartmental communications and advisory reports of municipal departments and agencies were accepted as part of the record, as follows:

- Certification of Taxes Paid dated February 4, 2015 by Vincent Bruno, Tax Collector, certifying payment of taxes through the 1st quarter, 2015; and
- Engineering review letter from the Board's consulting engineer Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Philips Avenue, South Hackensack, NJ 07606, dated February 12, 2015; and

WHEREAS, admitted into evidence without exhibit references were the following:

- Application dated January 16, 2015; and
- Proposed Circular Drive Variance Plan prepared by Thomas W. Skrable, P.E., 65 Ramapo Valley Road, Suite 13, Mahwah, NJ 07430, dated January 15, 2015; and

WHEREAS, testimony in support of the application was given by Craig Moskowitz, P.E. 399 Cascade Road, Stanford, CT 06903, with cooperative testimony by Bernard N. Mirandi, P.E.; and no member of the public questioned the witnesses; and

WHEREAS, the Planning Board did consider the testimony and evidence presented, the following are the findings of fact and conclusions of the Board:

1. 14 Jean Drive (the "Site") is located on the northeast side of Jean Drive, approximately 400 ft. from its intersection with Roberts Road. The Site has 100 feet of frontage along Jean Drive. Applicant seeks to construct a circular paver driveway with permeable pavers.

2. The property is located, in the R-A Residential Single Family Zoning District, wherein single-family dwellings are permitted uses.

3. The following variances are required:

- Maximum Impervious Coverage: The maximum permitted is 51%. Applicants propose 53.11%.
- Maximum Front Yard Coverage: The maximum permitted is 35%. Applicants propose 49.49%.
- Circular Driveway Width and Cut: The maximum permitted is 12 feet. Applicants propose a width of 13.5 feet at the westerly drive and the existing easterly drive width and cut at the 'throat' of the driveway is 15.7 feet.

4. The developer of the original property, Peter Caruso, was issued a building permit in late 2012, predicated upon conforming to the zoning ordinance. The development included a circular driveway with permeable pavers. According to applicant Gregory Eaton's statement in his application, Caruso anticipated, without justification, a credit for excessive coverage on the basis that the pavers would be

permeable. No such credit was or is authorized by Borough codes. Consequently, Caruso had to remove a portion of the westerly driveway to minimize both impervious coverage and front yard coverage and allow the property to be sold with a certificate of approval or certificate of occupancy.

5. Limitations on impervious coverage serve two objectives – stormwater management and aesthetics. The Board majority concluded the following:

- Based upon the testimony of the Board’s consulting engineer Bernard N. Mirandi, P.E., the interlocking pervious pavers, combined with the proposed filtering system, work well to absorb stormwater.
- Applicants’ agreement to an enhanced stormwater management plan, as identified in the February 12, 2015 review letter of Mr. Mirandi, including an extension of the Borough’s storm system, eliminate any concern for stormwater exceeding the preconstruction discharge rates.
- The Board majority does not see an aesthetic offense to the Site or adjoining properties that would result from excessive impervious coverage. Directly across from the Site, two homes have similar circular driveways, as do several properties on the same side of the street.

6. A variance under N.J.S.A. 40:55D-70(c)(1) depends upon a showing of hardship resulting from the circumstances of “a specific piece of property.” In this instance, the “hardship” is self-created because it was applicants’ predecessor who constructed in violation of his own building plan to create the nonconformity. A “c(1)” variance is not available to provide relief from self-created hardship. Chirichello v. Zoning Bd. of Adjustment of Monmouth Beach, 78 N.J. 544, 553, 397 A.2d 646 (1979); Ketcherick v. Borough of Mountain Lakes Bd. of Adjustment, 256 N.J.Super. 647, 652-55, 607 A.2d 1039 (App.Div.1992); George F. Barnes Land Corp. v. Board of Adjustment of Wyckoff, 174 N.J. Super. 301, 304, 416 A.2d 431 (App.Div.1980)

7. However, the grant of relief under N.J.S.A. 40:55D-70(c)(2) is not based upon “hardship”. It must be considered as an alternative basis for relief. See Green Meadows at Montville, L.L.C. v. Planning Bd. of Tp. of Montville, 329 N.J. Super. 12 (App. Div. 2000). Relief under “c(2)” is “rooted in the purposes of zoning and planning itself and must advance the purposes of the Municipal Land Use Law.” Kaufmann v. Planning Bd.

for Warren, 110 N.J. 551, 562 (1988). The grant must benefit the community in that "it represents a better zoning alternative for the property", and may not be granted merely to advance the purposes of the owner. Kaufman v. Planning Bd. for Warren, at 563. Thus, the focus in a c(2) case is not whether the a "hardship" on the owner warrants a relaxation of the standard, but "on the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community."

8. The Board concludes that applicants have made that case. Circular driveways are favored where they can be accommodated, as they provide safer ingress and egress from residential properties in a one-directional flow of traffic. The high incidence of circular driveways in this locale, support that conclusion.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs that the development application be approved, subject to the following conditions:

CONDITIONS SPECIFIC TO THE APPLICATION

A. Applicants shall comply with Mr. Mirandi's recommendations in his review letter of February 12, 2015, and as he may supplement or amend those recommendations during the construction phase based upon field conditions.

GENERAL CONDITIONS

B. All representations made by applicant or its agents shall be deemed conditions of this approval and any misrepresentations by applicants contrary to the representations made before the Board shall be deemed a violation of this approval.

C. The action of the Planning Board in approving this application shall not relieve the applicants of responsibility for any damages caused by this project, nor does the Planning Board of the Borough of Englewood Cliffs, or its reviewing professionals and agencies, accept any responsibility for design of the proposed improvement or for any damages that may be caused by this development.

MOTION BY: MR. TROVATO
SECONDED BY: MR. SURACE
IN FAVOR: MR. TROVATO, MR. SURACE, MR. K. KIM, MR. DUFFY, MR. S. KIM, MR. FEHRE and MR. KILMARTIN
OPPOSED: MR. CHINMAN

DATE APPLICATION APPROVED: APRIL 9, 2015

DATE RESOLUTION APPROVED: MAY 14, 2015



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

Attest:



**CATERINA SCANCARELLA
PLANNING BOARD SECRETARY**



VIA E-MAIL

May 13, 2015

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Site Plan Review
Revised Plan Submission
Variance Application
Montrose Dean LLC
476 Sylvan Avenue
Block 507, Lot 13
Our File No. ECES-1377

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following documents relative to the above referenced application:

- A. Planning Board, Borough of Englewood Cliffs Application Form dated March 2, 2015 inclusive of Impact and Evaluation Statement prepared by Saverio V. Cereste, Esq.
- B. Survey of Property by Frank R. DeSantis, PLS, last revised July 2, 2014.
- C. Engineering Plans (9 sheets) entitled, "476 Sylvan Avenue, Lot 13, Block 507, Borough of Englewood Cliffs, Bergen County, New Jersey, February 13, 2015", as prepared by Neglia Engineering Associates, dated February 13, 2015, revised as noted below and consisting of the following:

<u>Sheet No.</u>	<u>Description</u>
1.00	Cover Sheet/Key Map
2.00	Site Plan – Rev. No. 1 – 4-14-15
3.00	Grading, Drainage, and Utility Plan
4.00	Landscaping Plan – Rev. No. 1 – 4-14-15
5.00	Lighting Plan

6.00	Soil Erosion & Sediment Control Plan
7.00	Construction Details
7.01	Construction Details
1 of 1	Boundary and Topographic Survey

- D. Architectural Plan (1 sheet) entitled, "Alterations to Existing Commercial Building, 476 Sylvan Avenue, Englewood Cliffs, New Jersey" as prepared by Virgona & Virgona, dated January 16, 2015, and consisting of drawing number SK-1.
- E. Drainage Calculations Report prepared by Neglia Engineering Associates, dated February 27, 2015.

Based on our review of the above information and recent site inspection, we offer the following comments:

General

1. The Owner/Applicant in this matter is:

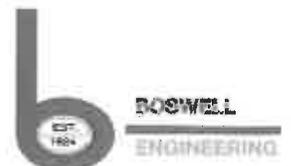
Montrose Dean LLC
c/o Seligman Rosenberg, MD
301 Bridge Plaza North
Fort Lee, New Jersey 07024

The Applicant/Owner should notify the Board of any change in the above referenced information.

2. Block 507, Lot 13 (the "Site") is 12,976 square feet (sf) in area and is located on the westerly side of Sylvan Avenue, on the northwestern corner of the intersection of Sylvan Avenue and John Street.
3. The existing site contains a 2-story commercial structure and is located in the B-4 Restricted Commercial Zone District.
4. The Applicant proposes building interior and building exterior alterations to utilize the 2-story structure as a restaurant/delicatessen with seating for twenty-six (26) patrons. Also proposed are site improvements inclusive of parking lot pavement, striping, pavement markings, landscaping, lighting, and buffer area improvements.

Submission Status

5. This Application submittal is deemed *complete* with respect to engineering matters for a site plan submission, as outlined in Section 30-9.4 of the Zoning Code of the Borough of Englewood Cliffs and the Administrative Site Plan Checklist, *except as noted below:*



- a. A statement by the owner of whether any property adjoining the lands for which site plan approval is sought is or is not owned by said owner. (Section 30-9.4.i.)
- b. Where applicable, the following information shall be provided (Section 30-9.4.v.):
 - Narrative describing trucking on the site: number and size of trucks used in applicant's operation; number, size and frequency of trucks making deliveries; time of loading and unloading operations.

Permitted Land Use

6. Business offices, professional offices and governmental offices, banks without drive-in facilities, and accessory parking areas are considered principal permitted uses in the B-4 Zone District (Restricted Commercial) (§30-5.7). Banks with drive-in facilities and eating and drinking establishments, excluding fast food restaurants are considered conditional uses.

Variances/Waivers

7. The Applicant is requesting variances summarized as follows:
 - a. Minimum Lot Width, §30-6.1. – Scheduled A requires a lot width of 100 feet. An existing non conformity of 78 feet is along the Sylvan Avenue frontage.
 - b. Minimum Side Yard on a Corner Lot, §30-6.1- Schedule A requires a 15 feet side yard setback on the corner side yard. The Site Plan indicates a proposed corner side yard setback of 9.9 feet.
 - c. Parking Space Dimensions: 9 ft x 19 ft required (§30-10.2.a.), 9 feet by 18 feet proposed.
 - d. Aisle Width: 90 Degree Parking Aisle Width; 25 ft required (§30-10.2.b.), 26 ft., 22.3 ft. and 18 ft. is proposed.
 - e. Off-Street Parking. §30-10.1 for restaurants requires a minimum of one (1) space for every three (3) seats, plus one (1) space for each employee. The Zoning Table on the Site Plan indicates 14 spaces are required and 12 are proposed.
 - f. Front Yard Parking: No Parking in Front Yard allowed (§30-10.2.f), 2 proposed parking spaces are located within the front yard measured from Sylvan Avenue.
 - g. Parking Space Setback: Minimum Parking Setback from Lot Line: 10 ft required on a corner lot measured to the Street Right-of-Way (§30-10.2.g.), 0.5 feet proposed.
 - h. Projecting Signs: §19-17 permits signs to project from the walls of buildings provided they are fastened so as to be at right angles to the building line of same. No such sign shall be more than 1 foot in thickness and may not project more than 1 foot from the building line. Total area of advertisement shall not exceed 16 square feet on each face. The applicant proposes that the existing projecting sign remain. The

architectural plans note that the existing sign is to remain. As it appears to project more than 1 foot from the building line of an existing non-conforming variance condition exists.

The Applicant provided testimony at the March Planning Board meeting that the frame of the projecting sign will remain. However, the sign face and name may change.

Stormwater Management

8. The Applicant had previously provided a Drainage Calculations Report (item E above). Based on our review we have the following comments on drainage and stormwater management elements of the project:
 - a) The depth (height) of StormTech SC-740 chambers should be noted as 30", rather than 16" in the seepage basin sizing calculations. Also the term "stone volume" should be changed to "void volume" to avoid ambiguity.
 - b) A soil log and percolation test should be performed at the location of the underground retention-infiltration basin. Test results should be furnished to the Borough. Also this office should be contacted when a test is scheduled.
 - c) Maintenance measures for the retention system should be noted on the Grading and Drainage Plan. The entity responsible for maintenance should also be named.

Should the Board look favorably upon this application, than revised drainage calculations are required as the now proposed impervious coverage has changed. Also, a full set of coordinated plans will be required as the balance of the drawings have not been updated.

9. No drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent property be affected by runoff from this property, the Owner shall be responsible to remedy the matter at the owner's own cost.
10. The Applicant is reminded the property owners are responsible for maintenance of the stormwater management facilities at least twice annually, as well as, after every major storm event.
11. The Applicant should be aware that a contribution for the Borough's Stormwater Capital Improvements Project will be accepted for any proposed impervious area greater than that of the existing conditions.
12. The Applicant shall provide testimony to the conformance to the Borough's Stormwater/Green Committee the use of various "Stormwater/Green" design elements such as cisterns, rain gardens, green roofs, etc.

Sign Review

13. As noted within the variance section above, there is an existing non-conforming condition with the current deli sign projecting from the face of the building variance.
14. The Applicant had provided general testimony that the size of the existing sign is proposed to remain the same.
15. The Applicant had provided testimony that the wording of the existing sign and sign 'face' may change.

Landscape Review

16. The April 24, 2015 Landscape Plan have been updated to address our prior comments. Our Landscape Specialist is currently reviewing and our comments will be submitted under separate cover.

Off-Street Parking

17. The number of off-street parking spaces required is as follows:
 - a. Restaurant Use: 1 parking space for every three (3) seats plus one space for each employee. Accordingly, 30 seats proposed would equal 10 spaces plus one (1) for each employee. Site Plan Zoning Table footnote number 2 notes that a maximum of 4 employees per shift. This would require 14 spaces. The proposed number of parking spaces is non-conforming at 12 spaces.
 - b. One (1) accessible parking space is proposed as required by the ADA guidelines. The accessible parking spaces must be in conformance to the ADA Guidelines inclusive of striping and signage.
18. A loading area is not proposed onsite. According to Schedule B (2) of Subsection 30-10.1, a loading area is not required for business or commercial purposes which have an aggregate floor area of less than seven thousand five hundred (7,500) square feet. The Applicant proposes a total gross floor area of 1,670 s.f. for the first floor and 939 s.f. for the second floor equaling 2,609 s.f. in total.

Traffic Review

19. The Applicant has provided testimony at the April meeting regarding the frequency and times of deliveries, including the size of the delivery vehicles and method of circulation.
20. Our Traffic Specialist has reviewed the site plans and offers the following comments:

- a. The Applicant indicates that the Sylvan Avenue driveway access is the only point of vehicular access to the site.
- b. Testimony should be provided demonstrating the suitability of the dumpster new proposed location and truck approach.
- c. Pavement markings have been added to the revised Site Plan.
- d. The site plan indicates a cantilevered arm traffic signal fronting Sylvan Avenue while a pedestal traffic signal exists.

Lighting Review

21. We offer the following comments:
 - a) The proposed wall mounted light fixtures are on each face of the building.
 - b) The Applicant provided testimony at the April meeting on the heights of the wall-mounted fixtures.
 - c) The Applicant provided testimony verifying the site lighting design requirements are in accordance with Borough standards.
 - d) Borough ordinance §9-19.2b requires all lights directly facing a neighboring or adjacent property or on a public roadway shall be shielded.

Site Plan Review

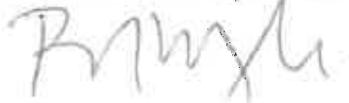
22. No trees are indicated to be removed on the plans. The Borough's Shade Tree and Environmental Commissions shall review/comment regarding these plans.
23. The installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance.
24. The Applicant shall provide testimony as to vehicular flow into, out of and within the site.
25. The Applicant shall provide testimony on vehicle maneuvers to parking stall number 1 and 2.
26. We suggest that layout of parking space numbers 1 and 2 be reconsidered. It appears the ADA space has to back out approximately 40 ft. and around a 'blind' corner to exit the site. The Board may wish to consider parking spaces 1 and 2 for employees only if at all and relocate the ADA space.
27. The Applicant shall provide testimony on pedestrian travel within the parking lot.

28. The Board offered suggesting at the April meeting that the John Street sidewalk not extend through the buffer width.
29. The Applicant had provided testimony as to the number of employees that are expected and the days and times of operation.
30. The Bergen County Soil Conservation District shall review these drawings.
31. Any roadway and/or curbing along the property frontage damaged due to construction activities for this project shall be repaired by the applicant to the satisfaction of the Superintendent of Public Works. This should be noted on the plan.
32. The NJDOT should be contacted to determine if an Access Permit or a Letter of No Interest will be issued for the property.
33. Should the Board look favorable on this application; they may wish a Developer's Agreement be executed prior to the issuance of any building permits.
34. Any other issues the Planning Board deems necessary.

Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

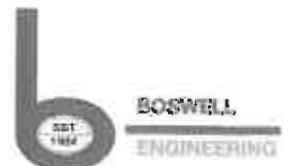
BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.F.

BNM/amg
Attachments

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville
Ed Fehre, via e-mail
Michael B. Kates, Esq., via fax & e-mail
Chief Michael Cioffi
Fire Chief George Drimones
Montrose Dean, LLC
Saverio Cereste, Esq., via fax & e-mail
Neglia Engineering Associates, via fax
Virgona & Virgona, via fax



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John Englese

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