

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
February 12, 2015

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

Chairman Fehre announced that the application for 800 Sylvan Unilever will also be postponed till further notice. Mr. Kates stated that they are acknowledging that the application is incomplete and would like to maintain it as an incomplete application they understand that any professional fees incurred in the initial review will e paid for from the escrow account and that they are requesting it to be continued until April 2015 or they will withdraw it.

Present at Roll Call:

Mrs. Fehre
Mrs. Rosenberg
Mr. Kilmartin
Mr. Kim, 1st Alternate
Mr. Surace, 3rd Alternate
Mr. S. Kim, 4th Alternate
Mr. Nikow
Mayor Parisi
Councilwoman Oh

Absent:

Mr. Trovato
Mr. Dooly
Mr. Chinman
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.

Oath of Office for Mr. Ronald Kilmartin and Mr. Andrew Nikow performed by Mayor Joseph Parisi.

Mr. Dooly, and Mr. Duffy will perform Oath of Office at our March meeting.

Flag Salute led by Mr. Ron Kilmartin

Mr. Andrew Nikow left the meeting at 7:40 pm.

The minutes of January 8, 2015 Re-Org. & January 8, 2015 Regular meetings motioned by Mr. Surace seconded by Councilwoman Oh, and approved by voice vote.

Old Business:

Application #245K- Residential Variance - Lot Coverage
Vincent Maimone - 197 Pershing Road - Block 701 - Lot 25
Approval - Resolution

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

Mayor Parisi left the meeting at 7:50 pm.

**Application #243K - Site Plan Approval with Variance
Duke Evans - 32 Sylvan Avenue - Block 205 - Lot 2**

No one had showed to present this application so the Chairman asked for a roll-call vote to dismiss this application without prejudice. Mr. Kilmartin made a motion which was seconded by Mrs. Rosenberg. This motion was approved by roll-call vote. 7 Ayes (Mr. Fehre, Mrs. Rosenberg, Mr. Kilmartin, Mr. Kiky Kim, Mr. Surace, and Mr. Sean Kim, Councilwoman Oh), No Nays, No Abstentions.

New Business:

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

This application was carried over to the March 12, 2015 meeting without re-advertising.

**Application #246K- Sign Variance
530 Sylvan Ave., LLC - 530 Sylvan Ave. - Block 617 Lot 15**

Mr. Jay Kanetkar of Sekas Law Group stated that this is an application for a new sign to be put on the building in the location of the present sign which is flat on the building. The new sign will be illuminated and will be perpendicularly attached to the building which will allow for better view from the street area.

Mr. Steven Lazarus, 16 Highwood Ave., Englewood NJ, was the applicant's architect. He described the drawing marked as "A1", Location Map and Elevation dated November 24, 2014. Mr. S. Kim questioned how high off the ground the sign will be. Mr. Lazarus stated approx. 15' and the sign will stand about 6' tall and will come out on a 45 degree angle which will look like a triangle so that from the south and north you will be able to see it. It will be white acrylic with black lettering on it stating Sekas Law Group and a logo. As far as brightness it won't be very bright. It will be approx. 10-15 foot candles. He stated it be something like the Central Kitchen lights even slightly less than that. Mr. Lazarus stated it will be set back approx. 20' from the street. We had investigated on putting a monument sign but that is totally unattainable due to the lot and parking situation. The sign will be lit from sundown till approx. 11 pm at night.

Mr. Kates questioned if this is a single tenanted building are there any other uses in the building. Mr. Kanetkar stated there are two other tenants and that they use a building directory and do not use any outdoor signage. Mr. Kates stated so this will be the only signage for the lot. Mr. Kanetkar agreed.

Mr. Kilmartin questioned what is on the sign presently on the building. Mr. Skeas stated it has Sekas Associates and 4-5 other names. The present sign is larger than the sign we are seeking a variance for. The building is set back on Sylvan Avenue and a flat sign will not be visible because of the other buildings which are closer to Sylvan Avenue. This is why we are going for a sign to be angled off the building. It will not have a background that is white but will be more of a off white cream color.

Mr. Mirandi stated that if the board approves this sign they should stipulate times for it to be on and off. Mr. Sekas stated they will agree to have it from sundown to 11 pm and that will include weekends.

Mr. Kilmartin stated he has a concern of approving the triangular sign coming off the building. He understands that the building is set back but would like to see a more attractive flat sign on the building. Mr. Sekas stated he has a hardship since there is no place to put a monument due to an easement on the front and that the 540 Sylvan building and his building share the same egress driveway and that the 540 building is approx. 15 feet further out than his building.

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

Mary O'Shea, 12 Irving Avenue, questioned what the total sq. footage of the sign will be. Mr. Lazarus stated 33.33 total feet.

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

Mr. Mirandi questioned what is the thickness of the sign at the widest point of the triangle base. Mr. Lazarus stated that the base is about 3' wide and it comes to a point. Mr. Mirandi stated so with that we have a variance condition for the thickness of the sign. Mr. Lazarus questioned thickness of the sign or how wide the base is because the thickness of the sign is not that thick. Mr. Mirandi stated the construction of the sign platform is 3' wide so if it is perpendicular the code calls for 1" thick and each side of the sign is 33.33 sq. feet so for a perpendicular sign you would be allowed only 16 sq. feet per side of the sign see item #7 of my letter dated February 6, 2015.

Chairman Fehre asked for a motion to approve the application. Motion was made by Mr. Fehre, seconded by Mrs. Rosenberg. This motion was approved by roll-call vote. 4 Ayes (Mr. Fehre, Mrs. Rosenberg, Mr. Surace and Councilwoman Oh), 3 Nays (Mr. Kilmartin, Mr. K. Kim, and Mr. S. Kim) No Abstentions.

Application #247K- Sign Variance
NBC Universal Media, LLC - 904 Sylvan Ave. -
Block 1201 Lots 8 & 9.01

This application was carried over to the March 12, 2015 meeting without re-advertising.

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

Mr. Sekas attorney representing the applicant requested an adjournment until the March 12, 2015 meeting. Adjournment was granted without re-advertising.

Approval of 2014 Planning Board Annual Report

Chairman Fehre and Mr. Michael Kates explained to the public and Board members the Annual Report of applications for 2014 which is incorporated herein as though fully stated and made a part hereof. Chairman Fehre requested a motion to approve the Annual report. Motion was made by Mr. Kilmartin, seconded by Mrs. Rosenberg, and carried unanimously by voice vote.

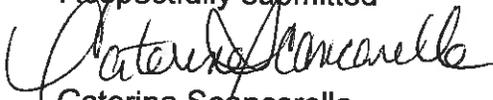
Chairman Fehre asked for a motion to open to public. Motion was made by Councilwoman Oh, seconded by Mrs. Rosenberg and carried unanimously by voice vote.

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, NJ questioned the committee reports that are on the agenda and that nothing is ever mentioned in regards to them. Mr. Fehre and Mr.

Kates informed her that we do not have any meetings except for Review Committee meeting to deem applications complete or not. They are not advertised meetings. Mrs. O'Shea asked if there are any minutes for these meetings. Mr. Kates stated no because what they are about is what is stated at all public meetings which are the presentations of the applications.

Chairman Fehre asked for a motion to close the public portion and adjourn the meeting at 8:17 pm. Mrs. Rosenberg made a motion, seconded by Mr. Surace, 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 – FEBRUARY 12, 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.

OATH OF OFFICE FOR NEWLY APPOINTED MEMBERS

Ronald Kilmartin - Member
Jeffery Chinman - Member
Stephen Duffy - 2nd Alternate
Andrew Nikow - Borough Representative

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES: January 8, 2015 Re-Org & January 8, 2015 Regular Meeting

OLD BUSINESS:

Application #245K - Residential Variance – Lot Coverage
Vincent Maimone – 197 Pershing Rd. – Block 701 Lot 25
Approved – Resolution

Application #243K - Site Plan Approval w/Variations
Duke Evan – 32 Sylvan Ave. – Block 205 Lot 2

NEW BUSINESS:

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

Application #246K - Sign Variance
530 Sylvan Ave., LLC – 530 Sylvan Ave. – Block 617 Lot 15

Application #247K - Sign Variance
NBC Universal Media, LLC – 904 Sylvan Ave. – Block 1201 Lot 8 & 9.01

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

Approval of 2014 Planning Board Annual Report

COMMITTEE REPORTS

Master Plan Committee
Subdivision Committee
Site Plan Committee

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

**2014 Annual Report
Englewood Cliffs Planning Board
Applications for Development**

Application #	Property Owner	Applicant	Address	Block	Lot	Application
223-K	19 Sylvan Avenue, LLC	Investors Bank	19 Sylvan Avenue	134	2	Site Plan Approval/Use Variance
224-K	Lukoil N. America	Martin Fuel & Prep Center, LLC	490 Sylvan Avenue	506	6	Interpretation of Zoning for E
225-K	Sylvan Plaza, LLC	Dell on the Cliffs	41 Sylvan Avenue	206	26	Conditional Use Variance (D
226-K	CFI 221, LLC	Bergen Protective	325 Sylvan Avenue	412	2	Sign Variance for 3 Signs
227-K	Argonaut Holdings	All Pro Motor	380 Sylvan	411	18	Site Plan with Variances for
228-K	Patricia DeFilippis	Same as Owner	36 Sherwood Avenue	411	12	Height Variance for 35'
229-K	120 Charlotte Pl. Associates	Same as Owner	120 Charlotte Place	313	1	Site Plan Approval with Child
230-K	Ayda Gezdir	John Paul Di Stauro	152 Chestnut	701	17	Existing non-comforming lot
231-K	NBC Universal	NBC Universal	900 Sylan			Site Plan Approval - New Gl
232-K	Bong I. Jung	Bong I. Jung	60 Sherwood	405	3	Height Variances of 34.7', Driv Rear Yard Variance of 6.8' to 9.8' to dwelling, and retaining
233-K	EC Acquisition, LLC	Bank of New Jersey	744 Palisade Ave.	512	4,5,6	Site Plan Approval with Rear Corner Side, & Front Yard S Parking Setback & On-Site I Variances.
234-K	Paula Aurbach	Phillip & Paula Aurbach	201 Lyncrest Rd.	714	1	Height Variance of 33.96', F Flat roof section on dwelling
235-K	Van Nostrand Associates	NY SMSA Limited Partnership d/b/a Verizon Wireless	580 Sylvan	806	9	Installation of Cell Antenna
236-K	Daniel Dooly	Daniel Dooly	529 Floyd/24 Clifton	616	13&25	Classification of Subdivision
237-K	Greggory Kiriakou	Greggory Kiriakou	36 Roberts	1001	30	Height Variance & Lot Cove
238-K	Estate of Josephine Mauro	Estate of Josephine Mauro	361,363,365 Mauro	406	1,2,3	Classification of Subdivision
239-K	Mohamed Diab	Mohamed Diab	124 Charlotte	312	3	Fence Variance Front Lot
240-K	Argonaut Holdings	All Pro Motors, LLC	380 Sylvan	411	18	Sign Variance
241-K	Conopco	Conopco d/b/a Unilever	700 Sylvan	806	7	Site Plan Approval - Enclos New entry pavilion, Solar ce Addition of 51 parking spac Heat & power generating un
242-K	Conopco	Conopco d/b/a Unilever	800 Sylvan	910	1	Site Plan Approval
243-K	32 Sylvan Ave, LLC	Duke Evans	32 Sylvan	205	2	Site Plan with Use Variance
244-K	Haren Parikh	Haren Parikh	45 John	507	21	Height Variance 35.35 Ft.

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF :

VINCENT MAIMONE FOR A DIMENSIONAL : MEMORIALIZATION RESOLUTION

VARIANCE, RELATING TO BLOCK 701, : APPLICATION NO. 245K

LOT 25, 197 PERSHING ROAD :

WHEREAS, VINCENT MAIMONE applied on or about December 5, 2014 to the Planning Board of the Borough of Englewood Cliffs for a dimensional variance to install an in-ground pool that would create excessive impervious coverage, in the R-A Residential Single-Family Zoning District; and

WHEREAS, a public hearing was conducted on January 8, 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, Marc D. Ramundo, Esq., of 416 E. Central Boulevard, Palisade Park, NJ 07650, represented the applicant; and

WHEREAS, the only interdepartmental communications and advisory reports of a municipal department or officials were:

- Engineering review letter dated January 8, 2015 of the Board's consulting engineer Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606; and
- Memorandum of Bernard N. Mirandi, P.E. to Paul Renaud, Zoning Officer, dated August 6, 2014; and

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

- Application, dated December 5, 2014; and

ATES NUSSMAN RAPONE
ELLIS & FARHI, LLP
ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 306
HACKENSACK, N.J.
07601-7407

- Plot Plan entitled "Soil Erosion and Sediment Control Plan" prepared by Robert J. Weissman, P.E. & L.S., Weissman Engineering Co., P.C., 686 Godwin Avenue, Midland Park, NJ 07432, dated May 16, 2014 with latest revision November 11, 2014; and

WHEREAS, testimony in support of the application was given by Robert J. Weissman, P.E. & L.S., and Bernard N. Mirandi, P.E.; and no member of the public questioned the witnesses or commented on the application; 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. Applicant seeks a variance for lot coverage, where 24-25% is permitted and 28.42% is proposed (Chapter XXX Zoning, Table 1, pg. 3095). This includes an in-ground pool and raised terrace, which was constructed on the property approximately five years ago without construction permits or other municipal sanctions. The proposed 28.42% translates to 5,066 square feet (with 4,400 square feet permitted).
2. Applicant's engineer, Robert J. Weissman, addressed the January 8, 2015 review letter of Bernard N. Mirandi, agreeing with Mr. Mirandi's recommendations. The requested drainage calculations will be submitted to the Borough, along with other stormwater management requirements. Mayor Parisi expressed concern that care should be taken to prevent the additional runoff of water from the home, and suggested adding an additional inlet or rain garden to ameliorate some of that runoff, to which Mr. Weissman and the applicant agreed. It was also suggested, and agreed, that a stone trench would be installed around the perimeter of the patio for additional drainage.
3. The raised terrace will be reviewed by the Borough's Construction Official to ensure the safety and compliance of the structure. The pool equipment may have to be relocated and/or sound insulated.
4. Mr. Weissman represented that pervious pavers would be used for the driveway portion made part of this application; but the Board took it a step further, requiring all driveway pavers to be pervious pavers.

ATTORNEYS NEWMAN RAPHAEL
ELLIS & FARHI, LLP
ATTORNEYS-AT-LAW
100 MOORE STREET
SUITE 306
HACKENSACK, N.J.
07601-7407

5. The Board concludes that granting the variance for excessive improved lot coverage will not substantially impair the intent and purpose of the zone plan, and that the granting of this variance can be reconciled to the zoning restriction from which applicant intends to deviate. The purpose of limiting impervious coverage is two-fold: (1) for purposes of stormwater management; and (2) for aesthetic reasons. See Lang v. Zoning Board of Adjustment of Borough of North Caldwell, 160 N.J. 41 (1999). Applicant's engineer presented sufficient, credible evidence to justify the variance, enhanced by offers to add inlets and a rain garden. Aesthetically, this would be an improvement to the existing grounds, and the request for excess lot coverage is reasonable in light of the improvements being made to the property.

6. The Board determined that, based upon all of the above, applicant met the statutory requirements under N.J.S.A. 40:55D-70(c)(2). The aesthetic improvement to the property and the significant improvements for stormwater management are benefits outweighing any detriments. See Lang v. Zoning Bd. of Adjustment of Borough of North Caldwell, 160 N.J. 41 at 60 (1999), holding, in part that "dimensional variances could be sustained under subsection (c)(2), reasoning that... replacement with an average-sized in ground pool is consistent with 'promotion of a desirable visual environment' and 'is found to advance at least the safety and visual purposes of zoning.'"

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. Applicant will submit a revised Stormwater Management Plan showing enhanced facilities, to the satisfaction of the Borough Engineer.
- B. Applicant will change the impervious pavers to pervious pavers for the entire driveway, and note same on a revised plan.
- C. Applicant will install a stone trench around the raised terrace structure, and note same on a revised plan.
- D. Applicant will reroute all roof drains to go into the seepage system, and note same on a revised plan;

E. The pool equipment location is to be reviewed by the Construction Official, with delegated authority to require its relocation (to be noted on a revised plan).

F. All other recommendation in the Borough Engineer's review letter of January 8, 2015 will be addressed to the satisfaction of the Borough Engineer, as well as satisfaction of the Borough Engineer's requirements that relate to site conditions during the construction/reconstruction phase.

GENERAL CONDITIONS

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

H. The action of the Planning Board in approving this application shall not relieve the applicant 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: MAYOR PARISI

SECONDED BY: MR. SURACE

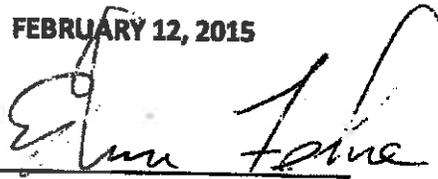
IN FAVOR: MAYOR PARISI, MR. SURACE, MR. FEHRE, MR. TROVATO, MR. K. KIM, MR. S. KIM and COUNCILWOMAN OH

OPPOSED: NONE

KATES NUSSMAN RAPONE
ELLIS & FARHI, LLP
ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 306
HACKENSACK, N.J.
07801-7407

DATE APPLICATION APPROVED: JANUARY 8, 2015

DATE RESOLUTION APPROVED: FEBRUARY 12, 2015



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

Attest:



**CATHY SCANCARELLA
PLANNING BOARD SECRETARY**

**KATES NUSSMAN RAPONE
ELLIS & FARHI, LLP
ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 306
HACKENSACK, N.J.
07801-7407**



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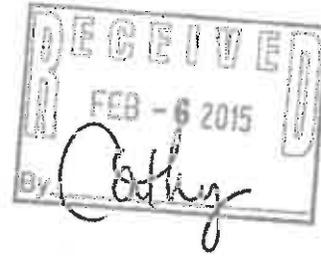
330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

VIA FACSIMILE AND EMAIL

February 6, 2015

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

Attention: Ms. Cathy Scancarella, Planning Board Secretary



Re: Sign Review
530 Sylvan Realty LLC
530 Sylvan Avenue
Block 617, Lot 15
Our File No. ECES-1368 (PB#246K)

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following document:

- a. Application to the Planning Board, Borough of Englewood Cliffs, dated January 5, 2015.
- b. An 11 x 17 Sign Plan, entitled "Sign Details, Proposed Building Sign Replacement, 530 Sylvan Avenue, Suite 201, Englewood Cliffs, NJ", signed and scaled by Steven B. Lazarus, RA of Axis Architectural Studio dated November 24, 2014.

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

General

- 1. The Applicant/Owner in this matter is:

530 Sylvan Realty LLC
530 Sylvan Avenue
Englewood Cliffs, New Jersey 07632.

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

Borough of Englewood Cliffs
February 6, 2015
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2. Block 617, Lot 15 (the "Site") is approximately 0.7163 acres in area and is located at the westerly side of Sylvan Avenue approximately 260 ft. south of Demarest Avenue.
3. The Site contains an existing office building and is located in the B-2 Zone District.
4. The Applicant is proposing to remove the existing sign at the southerly end of the front building elevation and install a two (2) sided building mounted sign perpendicular to the building face. The proposed sign is illuminated with white LED lights. The sign dimensions are 5 feet by 6 feet 8 inches.

Land Use

5. Business offices, professional offices, governmental and corporate offices are listed as a permitted use in the B-2 Zone District (Chapter 30-5.5a.1.)
6. Signs are listed as a permitted use in the B-2 Zone District (Chapter 19-16.b).

Variances/Waivers

7. The Board should request comments from the Board Attorney regarding the requirements for variances or waivers for the following:
 - a. Signs shall not be illuminated (Chapter 19-13.c). The Applicant is proposing an illuminated sign.
 - b. Signs may project from the walls of building provided they shall be so fastened so as to be at right angles to the building line of same. No such sign shall be more than one foot in thickness and may not project more than one foot from the building line. Total area of advertisement shall not exceed 16 square feet on each face (Chapter 19-17). The proposed sign projects 5 feet from the building where one foot is allowed. The proposed sign area is 33.33 square feet on each face where 16 square feet is allowed. Variances are required for both requirements.

Additional Comments

8. The Applicant should provide testimony on the dimensions of the existing signs and on the thickness of the proposed sign.
9. The Applicant should provide testimony on sign brightness specifically illuminance as measured in foot candles or lux (metric) and provide comparisons.



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10. The Applicant should provide testimony regarding the proposed construction of the sign meeting the standards of the American Standard Building Code requirements for sign and outdoor display structures (Chapter 19-19).
11. Any other issues the Board deems necessary.

Thank you for your kind attention to this matter. 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.E.

BNM/amg

cc: 530 Sylvan Realty LLC
Nicholas Sekas, Esq., via fax & mail
Ed Fehre, via email
Michael B. Kates, Esq., via fax & email
Mark Neville, via email
Paul Renaud, Zoning Official

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