

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
May 8, 2014

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

Absent:

Ms. Rosenberg
Mr. Trovato
Mr. Dooly
Mr. Duffy, 2nd Alternate
Mayor Parisi
Councilman Aversa
Mr. Nikow

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: Mr. Chinman

The minutes of April 10, 2014 meeting motioned by Mr. Surace seconded by Mr. K. Kim were approved by voice vote.

Old Business:

Application #227K - Site Plan Approval w/Variations
All Pro Motors, LLC - 380 Sylvan Avenue - Block 411 - Lot 18
Approval – Resolution

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. Mr. Chinman 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, R. Kilmartin, Mr. Chinman, Mr. K. Kim, and Mr. Surace they each voted to adopt this Resolution; it was unanimous.

Application #223K - Site Plan Approval w/Variations
Investors Bank - 19 Sylvan Avenue - Block 134 - Lot 2
Denied – Resolution

Mr. Kates announced that the resolution was not completed in time for the meeting and will be put on the agenda for the next meeting.

Application #228K - Height Variance "D"
Patricia DeFilippis - 36 Sherwood Avenue - Block 411 - Lot 12
Approval – Resolution

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. Mr. Surace made a motion to adopt this resolution, seconded

by Mr. K. Kim. The Chairman asked for a roll-call vote of the members that were eligible to vote: E. Fehre, Mr. S. Kim, and Mr. Surace they each voted to adopt this Resolution; it was unanimous.

Application #226K - Sign Variance
CFI 221, LLC/Bergen Protective Systems
325 Sylvan Avenue - Block 412 - Lot 2
Adjourned to June 12, 2014 meeting

Application #229K - Commercial Site Plan Approval/Child Day Care
120 Charlotte Place Associates
120 Charlotte Place - Block 313 - Lot 1

See attached transcripts.

New Business:

Application #231K - Commercial Site Plan Approval
NBC Universal Media, LLC
900-904 Sylvan Avenue - Block 1201 - Lots 8 & 9.01

Mr. John Schepisi of Schepisi McLaughlin PA, 473 Sylvan Avenue, Englewood Cliffs representing NC Universal for the properties 900-904 Sylvan Avenue.

Mr. Schepisi state that the design of the application is a security application to provide security for the site. They are proposing at the front of the premise a decorative fence and the guard booth that is presently located towards the south will be moved to the north of the properties in order to have security check points for the 904 Sylvan building as well as the 900 Sylvan building. On the rear of the property they will be doing the same as the front in regards to moving the security booth from the south location more north on the properties. They will also be putting a perimeter fence around the property where one does not exist. It will not be a decorative fence but a standard chain link fence. Decorative will only be on the front of the property. When we move the guard booths there will be a variance issue because the booth in the front is too close to the property line, but will be further back then the existing guard booth in the front now. So we will be moving the guard more north and further back by a foot, but will still requires a variance since it is still on the front yard.

Mr. Schepisi called his first witness Mr. Anthony Kurus from Negila Engineering, 34 Park Avenue, Lyndhurst, NJ as the engineer and planner for this application.

Mr. Kurus described the property as the existing site of CNBC 900-904 Sylvan Avenue, Block 1201, Lots 8 & 9.01. 900 Sylvan as the larger building compared to 904 Sylvan. The property is irregular in shape and have different elevations. Drawing dated February 4, 2014 with last revision date of March 3, 2014 number 3.00 Overall Site Plan and Zoning Anaylsis with color was marked in as exhibit A-1 for presentation.

Mr. Kurus explained where the existing guard booths are on the drawing and also showed where the new locations will be. They will both be put to the north of the property one on the east and one on the west of the properties. The booth on the northwest will be set back approx. 120' and the one northeast will be approx. 100' from the driveway entrance. They are both being pulled to the north to control the access point and vehicles entrance to both buildings. The easterly guard booth that exists is 99.8' set back and the new one will be 100.9' setback from street.

Mr. Schepisi stated that the existing guard booth had a variance approval so we are asking for approval for the new location which is one foot further setback than what exists today. The one on the rear of the property does not require a variance.

Mr. Schepisi questioned Mr. Kurus about the removal of some parking spaces for this application and the reason is to accommodate the shifting of the guard booth for putting more controls in the parking areas. Mr. Kurus stated yes and that the parking will all be to the south of the guard booths behind them. Mr. Schepisi questioned on the number of parking spaces that will be lost. Mr. Kurus stated that there will be 32 spaces lost. There are presently 941 spaces and that there will be 909 after moving the booths. Mr. Schepisi questioned if calculations were done on the number of required spaces for these properties and if calculated on the maximum number of spaces used on the site. Mr. Kurus stated yes, and that after observation the maximum number of spaces used is 750 at peak time. Mr. Schepisi questioned if Mr. Kurus discussed this with the property owner on the maximum number of employees on the site. Mr. Kurus stated yes, and the number is 800. Mr. Schepisi questioned what is the total number of employees for both buildings. Mr. Kurus stated 1200 for the 900 building and 200 for the 904 building. Mr. Schepisi questioned if all of the employees work at different shifts. Mr. Kurus stated yes, they work 24 hours on all different shifts. Mr. Kurus stated that approx. 200 employees use a shuttle service provided by CNBC to and from work. Employees car pool and use public transportation as well. Mr. Schepisi questioned the removal of 32 parking spaces if it will have any effect on the site. Mr. Kurus stated no effect.

Mr. Schepisi questioned Mr. Kurus in regards to the variance for the parking widths on the site. He stated that presently there are 24' aisle widths and 18' parking spaces on each side. The Englewood Cliffs Ordinance calls for 25' aisle widths with 19' parking stall and 19' spot. The existing 60' modular is 24' aisle with 18' and 18' which is what we are asking the board to approve. We are asking for this change to put through all spots of both properties to have uniformity throughout. Mr. Kurus stated yes, and that it is the safest way to keep the property then to have all different sizes.

Mr. Schepisi stated that they received the letter from Boswell McClave and they have addressed all the issues and will comply with the requests.

Mr. Schepisi questioned Mr. Kurus in regards to item #20 of the letter about the frequency of deliveries to the site and size of the vehicles. Mr. Kurus stated that there are 2-3 deliveries a day by box truck.

Mr. Schepisi then questioned item #27 in regards to the trash container and enclosing of the trash areas. That was discussed during a previous variance application and was determined that they do not need to be enclosed since they are on the rear of the property and far from residential properties. Mr. Kurus was in agreement and showed the location of both areas on the site in the southwest corner of the property.

Mr. Schepisi then addressed the Englewood Cliffs Police Dept. letter dated March 24, 2014, and that they do not have any issue with the changes for the guard booths on both properties.

Mr. Schepisi then addressed the letter from the Englewood Cliffs Fire Dept. Chief George Drimones and his concerns in regard to the water hose connections. The first one is from the hydrant on the street and the concern of getting the hose/water to the building with the gate on the front property. Mr. Schepisi stated that they will install a gate with a Knox box on it so that the Fire Dept. will have access. Second question was in regards to the hydrant/fire connection on rear of property regarding access. Mr. Kurus stated that the guard booth will be behind the hydrant and that they will still have full access to the hydrant/fire connection.

Mr. Kilmartin questioned the fencing location as where it is now and what the new plan is? Mr. Kurus stated that they will be enclosing the rest of the property around with a chain link fence where there is none now and then putting decorative fencing on the front to close it in.

Mr. Chinman questioned the height of the chain link fence. Mr. Kurus stated 6' in height. Mr. Schepisi stated that is what is there now but not continuous and that is where they will be adding.

Mr. Kilmartin questioned where is the decorative fencing going. Mr. Kurus stated just beyond the parking spaces hugging the turn line. There is an approx. 20' incline on Sylvan Avenue and the fence will be located there with the present shrubbery.

Mr. Schepisi stated that if needed the applicant has agreed to additional plantings.

Mr. Kilmartin questioned what type of fence will be on the front. Mr. Kurus stated a decorative black bar fence. Mr. Kilmartin questioned if there is a lot of spacing in the fence. Mr. Kurus stated yes.

Mr. Surace questioned if there is 4" sections on the fence. Mr. Kurus stated yes.

Mr. Fehre questioned the buffer zone on the rear of the property. The last time that they were in front of the board they had said they would clean it up. Mr. Schepisi stated that it was but now since Sandy it has gotten worse. He also stated that if you want we can clean it up but he recalled that the public wanted it to be left natural. If we remove some of the dead stuff it will open up more space.

Mr. Schepisi stated they will police the buffer zone in regards to the debris and garbage to keep clean. We will also remove anything that the environmental commission requests to be done.

Mr. Mirandi just wanted clarification to item #5 on his letter in regards to some trees in the buffer area that were on the punch list of the older application that they be taken care of with this application. Mr. Schepisi agreed that they will take care of the old punch list with this application if approved.

Mr. Mirandi questioned item #31 as well on the letter. Mr. Schepisi stated they will take care of that as well.

Mr. Kates questioned Mr. Schepisi that he stated in the beginning of the meeting that they have addressed everything on Boswell's letter. Mr. Schepisi stated they have to some but will to all others that need to be.

Mr. Schepisi stated that he had a security expert as his next witness if the board wants to hear him. Mr. Fehre stated that he didn't need to. Mr. Schepisi stated that he has no other witnesses at this time and requests that the board approve this application.

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

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, NJ. Only question is in regards to the fence on the front of the property. We have open like campus type properties in the B-2 zone and would not like to see fences permitted on the front of the properties. She also questioned that fences are not allowed on front of properties. Mr. Schepisi stated that it is only on residential properties and that they are allowed in this zone. The fence will be approx. 50-55' off Sylvan except one area will be approx. 34'

Chairman Fehre asked for a motion to close the public portion. Motion was made by Mr. Kilmartin, seconded by Mr. Surace and carried unanimously by voice vote.

Chairman Fehre asked for a motion to approve the application. Motion was made by Mr. Kilmartin, seconded by Mr. Surace. This motion was approved by roll-call vote. 5 Ayes (Mr. Fehre, Mr. Chinman, Mr. Kilmartin, Mr. Kiky Kim, Mr. Surace, and Mr. Sean Kim), No Nays, No Abstentions.

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

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, NJ. Questioned when the continuation of the B-2A Overlay Zone meeting will be. Also she complained about the special meeting of April 30th on the way it ran. She suggested that there be parking for seniors and handicap and that residents be able to enter first into the meeting.

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

Mr. Kates brought up the discussion of the next special meeting date for the B-2A Overlay Zone and wanted to know if we had a date set. Mrs. Scancarella stated that she polled the board and came up the date of May 27th, but that 8 out of the 11 members who can attend would be able to attend. Decision was made to re-poll the board for a June date.

At this time the Resolution to go into closed session was read in full by Mrs. Scancarella. A motion was made by Mr. Kiky Kim, seconded by Mr. Surace and carried unanimously. Chairman Fehre recused himself at this time and left the meeting 10:12pm. Remaining board members went into closed session.

Board returned into open session at 10:25 pm.

Upon return from closed session there was discussion in regards to the next special meeting for the B-2A Overlay zone.

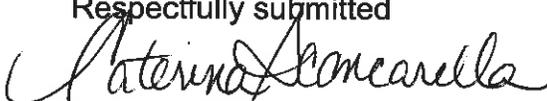
Mr. Kates stated that giving the attorneys due process that are representing their clients who are not resident is needed. How much time to give to them and when. Also, discussion on to structure the meeting to allow residents to go first, parking, etc. We are going to open it up into the cafeteria with audio for more people to come in. Board members will park in another location and that the meeting will probably be in June.

Carrol McMorrow stated that it was disgraceful how the meeting was run especially in regards to letting people in and police checking each person.

Mr. Kates stated we did not expect to have 700 people in attendance.

Mr. Kates asked for a motion to close the public portion and adjourn the meeting at 10:30pm. Motion was made by Mr. Chinman, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Respectfully submitted



Caterina Scancarella

Planning Board Administrative Secretary

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PLANNING BOARD
ENGLEWOOD CLIFFS
COUNTY OF BERGEN

APPLICATION #229K
COMMERCIAL SITE PLAN
APPROVAL/CHILD DAY CARE,
120 Charlotte Place Associates,
120 Charlotte Place, Block 313,
Lot 1

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VOLUME 2
Thursday, May 8, 2014
Council Chambers
10 Kahn Terrace
Englewood Cliffs, New Jersey
Commencing 7:45 p.m.

B E F O R E :

- JEFF CHINMAN
- DANIEL DOOLY, absent
- STEVEN DUFFY, 2ND ALTERNATE, absent
- EDWIN FEHRE, CHAIRMAN
- RONALD KILMARTIN
- JILL ROSENBERG, VICE CHAIRWOMAN, absent
- VINCENT SURACE, 3RD ALTERNATE
- SEAN SEUNG KIM, 4TH ALTERNATE
- KIKY KIM, 1ST ALTERNATE
- MATTHEW TROVATO, absent
- EDWARD AVERSA, COUNCILMAN, absent
- MICHAEL B. KATES, ESQ., BOARD ATTORNEY
- ANDREW NIKOW, absent
- MAYOR JOSEPH PARISI, JR., absent
- CATHY SCANCARELLA, BOARD SECRETARY
- BERNIE MIRANDI, BOROUGH ENGINEER

A P P E A R A N C E:

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W I T N E S S E S

DIRECT BOARD PUBLIC

STEVEN J. COLLAZUOL

BY: MR. ALAMPI 5, 22

BY: THE BOARD 16, 40

LEE D. KLEIN

BY: MR. ALAMPI 46, 52, 55

BY: THE BOARD 50, 52, 58

DAVID SPATZ

BY: MR. ALAMPI 66

BY: THE BOARD 71

THE PUBLIC

MARIANNE SARAYDARIAN 76

MARY O'SHEA 81

E X H I B I T S

PAGE

A-2 Id. Document Submitted With Plan

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(Opening)

CHAIRMAN FEHRE: Roll call.

MS. SCANCARELLA: Chairman Fehre.

CHAIRMAN FEHRE: Here.

MS. SCANCARELLA: Vice Chairwoman
Rosenberg is absent.

Mr. Dooly is absent.

Mr. Chinman.

MR. CHINMAN: Here.

MS. SCANCARELLA: Mr. Trovato is absent.
Mr. Kilmartin.

MR. KILMARTIN: Here.

MS. SCANCARELLA: Mr. Nikow, absent.
Councilman Aversa, absent.

Mayor Parisi, absent.

Mr. Kiki Kim.

MR. K. KIM: Here.

MS. SCANCARELLA: Mr. Steven Duffy is
absent.

Vinnie Surace.

MR. SURACE: Here.

MS. SCANCARELLA: And Mr. Sean Kim.

MR. S. KIM: Here.

MS. SCANCARELLA: Okay. We have a quorum.

(Agenda)

1 CHAIRMAN FEHRE: Commercial Site Plan
2 approval/Child Day Care, 120 Charlotte Place
3 Associates, 120 Charlotte Place.

4 The first item on the agenda is to hear the
5 commercial site plan approval, child day care center
6 at 120 Charlotte which is a continuation of last
7 month's meeting.

8 MR. ALAMPI: Thank you, Mr. Chairman,
9 members of the Board.

10 For the record, my name is Santo Alampi. I'm an
11 attorney in Hackensack, New Jersey.

12 And, this is the continuation of Application
13 229K, commercial site plan, 120 Charlotte Place, Block
14 213, Lot No. 1.

15 This is a site plan review. As the Board is
16 aware, there was some testimony at the last hearing in
17 April. That testimony was of the architect as well as
18 the franchisee of the proposed facility.

19 This evening we have three witnesses. We have
20 the engineer for the site as well as a traffic
21 consultant and a professional planner.

22 With that, I have that the architectural plan
23 was marked as A-1 at the last hearing.

24 We will be marking some exhibits this evening.

25 And, we'll go into the testimony of both the

1 site plan engineer, the traffic planner and the
2 professional planner.

3 With that, I would like to bring up the first
4 witness who is Mr. Collazuol, the site engineer, and
5 have him sworn in.

6 MR. KATES: The testimony you're about to
7 give this Board shall be the truth, so help you God.

8 THE WITNESS: I do.

9 MR. KATES: Your name and public and
10 professional address, please.

11 THE WITNESS: Steven J. Collazuol, C O L L
12 A Z U O L, with offices at 1610 Centre Avenue in Fort
13 Lee.

14 MR. ALAMPI: Mr. Chairman, Counsel, I know
15 Mr. Collazuol has appeared before the Board. I will
16 voir dire him if you insist.

17 CHAIRMAN FEHRE: That's not necessary.

18 MR. ALAMPI: Thank you, Mr. Chairman.

19 DIRECT EXAMINATION BY MR. ALAMPI:

20 Q Mr. Collazuol, I notice you have an
21 exhibit up on the easel.

22 Is the exhibit that's up on the easel the same
23 exhibit that was submitted with the application?

24 A Yes, it is, except for Sheet 2 which has
25 been colorized.

1 MR. KATES: Could we mark that as Exhibit
2 A-2, please.

3 Q Mr. Collazuol, today is May 8th.

4 A Thank you.

5 Q Mr. Collazuol, the exhibit that you have
6 marked as A-2, if you can give us the benefit of the
7 date of the plan as well as any revision dates.

8 A Yes. Certainly.

9 The date of the plans is originally dated
10 December 19, 2013 with additions to April 10th, 2014.

11 Q You had noted that the second sheet is
12 colorized for this evening.

13 Is that correct?

14 A That's correct.

15 Q Now, Mr. Collazuol, the architect
16 testified that the application and the building and
17 the site is existing and there's not going to be any
18 enlargement to the actual footprint of the building.

19 Is that accurate?

20 A Yes. That's correct.

21 Q And, your site plan indicates what is
22 existing on the site as well as what is proposed
23 vis-a-vis the playground area.

24 Is that correct?

25 A Yes.

1 Q And, if you could just take the Board
2 through the first page of the site plan that appears
3 to be the survey of the property.

4 Is that correct?

5 A The first sheet is our cover sheet. It
6 shows the property in question with the surrounding
7 area, inclusive of the radius of 200 feet as well as
8 the names of property owners within 200 feet. Of
9 course the utilities are on notification as well.

10 It shows left and right Charlotte Place with
11 Rose Road somewhat vertical. The site is at the
12 southeast corner of Rose Road and Charlotte Place and
13 abutting the rest of the commercial uses, office
14 buildings to the east, office buildings to the south.
15 Of course the one office building directly across the
16 street and then the car dealership on the corner of
17 Sylvan Avenue.

18 From there to the west is the residential
19 section. And, I believe the zone line is down the
20 middle of Rose Road.

21 So, the site is about a half acre in size and
22 our existing survey is the last sheet which shows, at
23 a larger scale, the existing conditions.

24 Q Can you tell us the dimensions of the site
25 with depth?

1 A Yes. We turn to the survey sheet. The
2 site is approximately 156 feet in-depth. And, due to
3 the angle of Rose Road, it's 147 feet across the
4 front, 136 feet across the rear plus the radius and
5 the angled property.

6 So, the square footage of this site is 23,712
7 square feet.

8 Q And, the actual footprint of the building?

9 A Yes. The building is approximately 74
10 feet deep, approximately 70 feet wide. And, we have
11 three floors and we have approximate 15,000 square
12 feet for those three floors.

13 The building is situated near the corner of the
14 site. It's set back about 20 feet from Charlotte and,
15 about 20 feet from Rose Avenue, Rose Road.

16 Q Now, when you prepared the plan, it was
17 back in December, there was probably snow on the
18 ground?

19 A Yes.

20 Q Is that accurate?

21 A That's correct.

22 Q And, when you went out there and surveyed
23 the property, there was snow.

24 Is that correct?

25 A Yes, it is.

1 Q And, did you have to go back out
2 subsequent to the snow melt to verify and check a
3 couple of items?

4 A Yes. As the project progressed, we did go
5 out to the site on several occasions and we picked up
6 an extra parking space that was under the snow and
7 some sidewalks as well as the drop curbs that we
8 found, conditions relating to storm drainage as well
9 and better identification of the parking spaces.

10 Q And, were any of those items something
11 that were in the Boswell, Mr. Mirandi's comment
12 letter?

13 A Yes. In particular, it was parking space
14 No. 28 we picked up.

15 Q Okay. So that has obviously been
16 addressed in the subsequent field survey.

17 Is that accurate?

18 A Yes.

19 Q Okay. Now, there are some existing
20 variances with the building, nothing that's being
21 exacerbated but that is existing.

22 Is that correct?

23 A That is correct.

24 Q Does the survey show the various setbacks
25 and such?

1 A The survey did not show the various
2 setbacks. It shows the conditions as exists at the
3 site and shows the parking, it shows some of the
4 encroachments of a few of those parking spaces and it
5 shows the dimensions to the property lines.

6 But, it does not address zoning as an existing
7 condition.

8 Q Because that's a survey.

9 Is that correct?

10 A That's correct. It's a boundary and
11 topographic survey.

12 Q Now, on Sheet 2, which is the actual site
13 plan, could you highlight and identify those various
14 setbacks?

15 A Yes. On Sheet No. 2, in the upper right
16 hand corner, we have the zoning schedule. We break
17 down both requirements, what is required and what is
18 provided.

19 Q And, can you just highlight what those are
20 reminding you, of course, that they are existing and
21 we will have Mr. Spatz testifying with regard to the
22 variances.

23 A Certainly. We're in the B-2 zone, which
24 is limited business. And, the minimum lot area
25 required 80,000.

1 As I mentioned, the site is 23,712 square feet.
2 No change to the area is proposed.

3 The minimum lot width required is 125 feet. The
4 site has 168 feet of frontage and, therefore, it
5 complies.

6 The front yard requirement is 60 feet. The
7 building is set back at 20 feet. That's, again, an
8 existing condition.

9 The definition of the rear yard setback is 20
10 percent of the lot depth which results in a setback
11 requirement of 31.19 feet. And, the building is set
12 back 62 feet from the rear line which is the area of
13 the playground as proposed.

14 With respect to the side yards, one side yard
15 requirement is 30 feet and we show a 59.5 foot
16 setback, which complies.

17 Both side yards is non applicable because it's
18 on a corner lot. Due to that, there's a corner side
19 requirement resulting, requiring a 30 foot setback and
20 what's existing is 20.3. No plans to change that.

21 The maximum lot coverage allowed is 33.3 percent
22 and this building, proposed -- existing is 21.8. It
23 complies.

24 The maximum building height in feet and stories
25 is 30 feet and two stories and the building is 25.6

1 feet and two stories. So, it complies.

2 With respect to parking spaces, 37 spaces are
3 required and 43 spaces are, are existing. So, it
4 complies. That's as proposed with the, with the site
5 and the use that's proposed. The one item does
6 reflect that.

7 Then, in our parking calculations, we do show
8 what the requirement would be if the building was
9 fully occupied.

10 If you like, I'll proceed with that.

11 Q Please.

12 A Okay. The parking requirements are such
13 that one space per 200 square feet is required of
14 floor area.

15 As I mentioned, the building entirely is 15,271
16 -- 74 square feet and based on 5 per thousand 76.4
17 spaces would be required. However, we presently have
18 54 spaces on-site.

19 So, at this point in time, we are approximately
20 22 spaces deficient.

21 Q As the building currently sits?

22 A As the building sits.

23 Q If they were all office, which currently
24 it's all office space?

25 A That is correct.

1 Q Okay.

2 A As I mentioned, we have the calculations
3 shown in the upper right hand corner for the existing
4 conditions. Then we break down the proposed building
5 area usage of computations.

6 And, we show that offices would then be 7,000
7 and the child care area would be approximately 8,000.

8 Below that, we show what would be required for
9 the use for offices and that results in 36 spaces.
10 And, of course, according to the State statute zero
11 spaces would be required for child care. So, the
12 total use requirement, as per State statute and the
13 Borough's ordinance, would be 36.1 spaces. And, we
14 round it up to 37.

15 And, that's how we got that number for our
16 zoning table.

17 There will be further discussion about the use
18 and the allowability of the spaces on-site for that
19 use.

20 Q And, in fairness, Mr. Collazuol, I won't
21 ask you about that.

22 However, by inserting the proposed playground,
23 will we be eliminating parking spaces?

24 A Yes.

25 We are eliminating the spaces, as noted here.

1 That is 8 spaces along the rear are being removed and
2 behind the building we're removing 6 spaces.

3 On the side of the building, we're changing such
4 that we're proposing, we're providing 3 additional
5 spaces. And, so, there's a net difference of 54 to
6 43, a loss of 11 spaces on the site.

7 Q So, while we're losing 11 spaces, the
8 testimony that will come will indicate that,
9 obviously, we're, we're bringing the parking into
10 conformance?

11 A That's correct.

12 Q Okay. Mr. Collazuol, I notice the color
13 shading that you had mentioned.

14 If you can walk us through the various color
15 shadings. Obviously, the big, dark brown box on the
16 drawing is the building.

17 A That is correct.

18 What we are showing in green along the frontage
19 of Charlotte Place is a light green color and that
20 shows existing lawn area.

21 There are 3 trees in that area, very large
22 trees. We did not show them but they do exist, 2 to
23 the right of the entrance and one to the left.

24 There is a small, excuse me, landscaped area on
25 the left hand side of the entrance driveway and then

1 some shrubs on the right-hand side adjacent to Rose
2 Road.

3 The site has a full sidewalk with an ADA
4 accessible ramp at the corner.

5 The tan connecting to the building are the
6 different walks at different grades to get to the
7 atrium entrance in the front.

8 Q Mr. Collazuol, is all of that existing,
9 the grass area, those walkways, the sidewalk?

10 A Yes. All that I just mentioned and in the
11 frontage is all existing.

12 Q Now that ingress and egress on Charlotte
13 Place, that's existing?

14 A Yes. The access point, almost at the
15 terminus of Rose Road is also an existing ingress and
16 egress, two-way traffic.

17 Q And, the trees that you had mentioned,
18 which aren't actually shown on the plan but do exist,
19 are those going to remain, are they going to be
20 removed?

21 A There's no intention to change any of the
22 landscaping in the front. Very, very nice, very well
23 maintained and actually provides some shade, they're
24 very mature trees.

25 Q So, from Charlotte Place, there will be

1 nothing esthetically changed.

2 Is that a fair statement?

3 A Yes, very accurate.

4 Q Okay. You can continue with the
5 various --

6 MR. KATES: Could I ask how you're
7 altering the site plan other than the playground area?

8 Are you making any changes?

9 THE WITNESS: There are some changes to
10 site grading and access point to the rear of the
11 building with an ADA accessible ramp and three parking
12 spaces will be perpendicular to the building line as
13 well.

14 A fence is proposed and modification to the
15 drainage system.

16 MR. KATES: So, in terms of the traffic
17 circulation around it, in terms of drop off of, of
18 youngsters to the day care center, nothing like that
19 is being changed?

20 THE WITNESS: The site is being changed in
21 that the aisle that runs two ways across the rear of
22 the building and then turns, so that there's a
23 circular motion, is being changed in that the
24 playground is being set in the rear of the building.

25 And, I'm showing here, in a green L-shaped

1 fashion and a gray square fashion, so that would be
2 bounded or bordered by a fence in its entirety.

3 MR. KATES: So, how would a parent drop
4 off a child and exit the site?

5 THE WITNESS: There's going to be two
6 access points to remain. And, I'll let the traffic
7 consultant go into further details but there will be
8 access on the east in and out and also Rose Road on
9 the west.

10 MR. KATES: And, what percentage of the
11 building remains for offices or is it entirely going
12 to be 100 percent for the proposed application?

13 MR. ALAMPI: About half. I think you
14 testified, Mr. Collazuol, 70,000 square feet and the
15 remaining is office.

16 THE WITNESS: 70,212 square feet will
17 remain as office.

18 MR. KATES: So, this tenancy will occupy
19 50 percent of the building?

20 MR. ALAMPI: A little more than 50
21 percent. Correct.

22 THE WITNESS: The child care will be
23 8,091.

24 CHAIRMAN FEHRE: So it's more than one
25 floor then.

1 Right?

2 THE WITNESS: Yes.

3 CHAIRMAN FEHRE: It's one and a half
4 floors for child care.

5 THE WITNESS: It's going to be the ground
6 floor and the first floor.

7 CHAIRMAN FEHRE: All of the first floor?

8 The ground floor -- all of the ground floor and
9 all of the first floor will be child care?

10 THE WITNESS: Yes. No. No. Excuse me.

11 There's a section of ground floor that will
12 remain office and that's 2,003.

13 MR. CHINMAN: By a different count?

14 THE WITNESS: Pardon me?

15 MR. CHINMAN: Not part of the child care?

16 THE WITNESS: Correct.

17 MR. KATES: What percent is left on the
18 ground floor that's child care?

19 THE WITNESS: Percentage.

20 MR. KATES: Or square foot.

21 THE WITNESS: About 40 percent would be
22 for offices on the ground floor and 60 percent for
23 child care on the ground floor.

24 MR. KATES: And, the second floor or third
25 floor?

1 THE WITNESS: The second floor, in
2 percentages, the second floor would be all offices.

3 MR. KATES: And, the second --

4 MR. ALAMPI: Ground floor, first floor,
5 second floor, Mr. Kates.

6 MR. KATES: The second floor is 100
7 percent offices.

8 THE WITNESS: Yes.

9 MR. KATES: And, the first floor.

10 THE WITNESS: The first floor would be 100
11 percent child care.

12 MR. KATES: Okay.

13 MR. MIRANDI: Mr. Chairman, I believe the
14 architect testified to a lot of that specific
15 information the last meeting.

16 CHAIRMAN FEHRE: Okay. Is he here, the
17 architect?

18 MR. ALAMPI: He did.

19 CHAIRMAN FEHRE: Okay.

20 MR. ALAMPI: He is here if we need further
21 clarification.

22 MR. KATES: No. That's fine.

23 MR. ALAMPI: But, it's primarily the
24 ground floor and the first floor will be the child
25 care.

1 The third floor, which is really the second
2 floor of the building, as we refer to it, will be all
3 office space.

4 MR. KATES: Right.

5 MR. ALAMPI: And, he had testified, the
6 architect had testified to the various egress and
7 ingress into the building.

8 MR. KATES: Mr. Collazuol's testimony is,
9 if you discount or don't include parking for child
10 care, which is part of the statute, what's left is
11 sufficient, what's left on the site is sufficient to
12 accommodate the offices?

13 THE WITNESS: Correct.

14 MR. CHINMAN: Are the plans for the child
15 care to use one side and the offices to use the other,
16 two separate parking lots?

17 THE WITNESS: I don't believe that's the
18 case. I think there's going to be something further
19 on that after.

20 CHAIRMAN FEHRE: Mr. Collazuol, can you
21 comment on the buffer zone since there's no buffer
22 zone for this property?

23 How did that come about?

24 Normally a D-2 zone would have, what is it, a 50
25 foot buffer.

1 Do you know, Mr. Mirandi, what the buffer
2 between a B-2 zone and the residential zone.

3 MR. MIRANDI: I'd have to double check.

4 CHAIRMAN FEHRE: It doesn't seem to have
5 any buffer at all.

6 Is that right?

7 THE WITNESS: The site has approximately
8 15 to 20 feet that it abuts residential. The site
9 is --

10 CHAIRMAN FEHRE: What do you mean, 15 to
11 20 feet?

12 THE WITNESS: Well, if you look at this
13 key map, you'll see that the adjoining site, Lot 5,
14 adjoins for 80 to 90 percent of that rear property
15 line.

16 The center line of Rose Road, it's my
17 understanding, is the zone boundary.

18 The adjoining Lot 5, which is residential,
19 touches the property in question by some 15 to 20
20 feet.

21 So, there is no buffer on-site at this time.

22 However, at the terminus of Rose Road, there is
23 a small wooded area and the neighbor has placed a 6
24 foot beige or tan colored PVC fence which is solid.

25 Beyond, beyond an area, there is a wooded area

1 that Lot 15 has, has provided to the rear of those
2 residences, which is on Lot 15.

3 So, there is, by adjoining the site, a buffer.

4 Our site has, as its rear boundary --

5 CHAIRMAN FEHRE: That's the residential.

6 THE WITNESS: -- a 30 foot retaining wall.

7 CHAIRMAN FEHRE: That belongs to the
8 residents.

9 MR. ALAMPI: That's commercial property.

10 THE WITNESS: I believe it's on the
11 commercial property on Lot 15.

12 Because, the rear of the residential properties
13 are bounded by a fence. Then there's another fence
14 east of that which appears to be certainly on Lot 15.

15 So, on this particular site, there's, there's
16 this 30 foot concrete retaining wall bordering both,
17 both commercial properties.

18 CONTINUED DIRECT BY MR. ALAMPI:

19 Q Mr. Collazuol, the Lot 5 that is the
20 residential lot that touches about 20 feet worth of
21 the subject property, what's proposed on that 20 foot
22 lateral line along the adjacent residential lot?

23 Are those parking spaces that are located there?

24 A Yes. There's an existing parking row
25 adjacent to the, the concrete retaining wall. And, as

1 I mentioned 8 are going to be removed. The 4 shown,
2 from right to left, will remain.

3 You'll see on the plan the end of the road.
4 And, from the end of the road to the end of the
5 right-of-way, this is a wooded area. And, the
6 neighbors placed a fence such as my pen is, as I
7 mentioned which is the brown 6 foot PVC fence.

8 We are planning no changes in that 15 to 20 foot
9 area at all.

10 Q Mr. Collazuol, you mentioned a retaining
11 wall.

12 Could you tell us the elevation difference
13 between the subject property and the properties to the
14 south of the subject property?

15 A I estimate that the difference in
16 elevation is about 30 feet.

17 Q Which way, Mr. Collazuol?

18 A And, the site, the site to the south, lot,
19 Lot 5, is that much lower.

20 MR. CHINMAN: A 20 foot high retaining
21 wall?

22 THE WITNESS: That's correct.

23 A So, from, from the site, from our site, if
24 you drive, if you drive around, you'll see that the
25 retaining wall is approximately 2 to 3 feet above

1 grade.

2 Q From our site?

3 A From our site.

4 But, that's what you see.

5 Q And, we're proposing a fence along the top
6 of the retaining wall, in front of the retaining wall,
7 no fence?

8 A We are planning a wall to be placed to
9 retain the earth for the playground area and a fence
10 on top of that.

11 Q And, that fence will be 6 feet?

12 A And, that will be 6 feet in height and
13 that's shown in detail in the lower right of the site
14 plan which will be a shadow box type fence.

15 Q And, Mr. Collazuol, I see the gray and the
16 green in the play area.

17 Could you just explain the difference between
18 those two?

19 A Certainly.

20 The, the green area is to be an artificial turf
21 so we showed it as green. But, until we had the
22 sample, we were illustrating that the gray area was
23 going to be a rubberized type material.

24 And, I have a sample from the school that shows
25 the type of material here. And, it's somewhat porous

1 and certainly very flexible.

2 And, the green area is to be used for the
3 toddlers and the rubberized material is for the older
4 children.

5 Q And, there will be a separation between
6 those two play areas that is depicted on the plan?

7 A That's correct. Yes.

8 This heavy line down the middle is going to be a
9 four foot fence separating the different age groups.

10 Q And, obviously, there will be different
11 size equipment for the different age groups?

12 A Yes. We tried to illustrate the equipment
13 as best we could. And, it's shown in the center of
14 the rubberized area.

15 There will also be a 6 foot fence on the western
16 side which would be a, a see-through fence to enclose
17 the playground area as well.

18 Q And, it's your understanding that all of
19 that is for safety purposes.

20 Is that correct?

21 A Yes, safety and security.

22 Q Mr. Collazuoi, if you could just talk
23 about the drainage changes being made to the site as
24 well.

25 A Certainly.

1 At present, all the roof leaders are connected
2 to the drainage system. Some of the leaders come out
3 to grade on the eastern side. The roof leaders come
4 out to catch basins at the corner of the site or
5 rather corner of the building.

6 There's an on-site drainage system which flows
7 to an adjoining property.

8 And, roof leaders are out to grade in the front.

9 The landscape area drains to the east. Part of
10 the driveways flow out to Charlotte Place.

11 On the proposal, in order to provide the
12 required grades for the school and for safety, the
13 intention of the playground is to come out at the
14 lower grade, the ground floor, and to carry that grade
15 at a 1.5 percent slope across the site.

16 So, it would be a very general transition in,
17 within the playground area.

18 What that requires us to do is to wall the
19 eastern side. And, this is shown in the left-hand
20 side with an interlocking block wall having a maximum
21 height of 3.5 feet. So, it's a very, very low wall.

22 But, the, the intention is to have a fairly
23 level area where, right now, this is a sloping site
24 and provide drainage within the playground area and
25 alter what's on-site so that it connects to the

1 existing drainage system.

2 We show a catch basin at the southeast corner of
3 the playground and also near proposed parking space,
4 renumbered space No. 4.

5 That's the concise version of the drainage
6 system.

7 There is no increase to impervious areas and so
8 there's no increase to runoff due to this plan.

9 So, we do not need a detention system or any
10 further drainage management.

11 Q And, why no drainage calculations have
12 been performed and provided?

13 A We can certainly provide those if Mr.
14 Mirandi finds them required.

15 Q Now, Mr. Collazuol, you said that there
16 was a revision date of April 10th. I'll point to your
17 attention that Mr. Mirandi's review letter is April
18 9th.

19 Before we go through the review letter, if you
20 could just address what changes there were to the
21 plan, if any, and then we'll go through the review
22 letter.

23 A Certainly.

24 Based on a couple of his comments and in
25 anticipation of the hearing, we colorized the drawing

1 and showed parking space No. 28. That was as a result
2 of the changes for the April 10th revision date. As I
3 mentioned, also the colorizing of the plan.

4 Q Were those the only two changes were just
5 to identify that additional parking space, identify
6 that ramp on the sidewalk as well as the colorizing of
7 the sheet?

8 A Yes. That's correct. Except for the
9 numbering of those parking spaces which I've done for
10 this evening.

11 MR. MIRANDI: Can you just point to
12 parking stall No. 28 that you mentioned.

13 THE WITNESS: Sure. It's right there,
14 right behind that landscape area.

15 MR. MIRANDI: Okay.

16 Q So now, Mr. Collazuol, I would like to
17 turn your attention to the April 9th review letter
18 provided by Mr. Mirandi.

19 And, I'm going to ask that we just identify and
20 deal with any of the comments regarding engineering.
21 We will leave the traffic to the traffic expert.

22 I'm thinking starting with storm water
23 management on Page 4.

24 However, if you feel you would like to start
25 maybe a little sooner, that's acceptable to me as

1 well.

2 A No. That's, that's fine. I believe that
3 the storm water management is a proper place to begin.

4 We indicate now the type of cover. And, I'll go
5 to Item 9A. The type of cover on the playground, as
6 we indicated, it will be this rubberized material.

7 We have a sample of it here. It's circulating.

8 And, the rear toddler area will be an artificial
9 turf type of an area.

10 This will be somewhat porous, an accepting of
11 the storm water runoff as well as safety for the
12 children playing in that area.

13 This development is a change of about 3,150
14 square feet which is an answer to his question,
15 existing and impervious areas, should be indicated on
16 the proposed playground plans; 3,150 square feet.
17 However, we're not changing or increasing any
18 impervious areas.

19 Q We believe that it's actually somewhat
20 porous?

21 A Yes.

22 Q How about Point C, Point 9C?

23 A Yes. The datum of the elevation for the
24 boundary topo is based on NJ DEP 1929, comprising to
25 the Borough's datum as well as the national vertical

1 datum of 1929 which is throughout the State.

2 Q And, how about 9D.

3 A What Mr. Mirandi is asking for is the
4 computation for the discharge pipe that would not be
5 exasperated by this alteration to this drainage
6 system.

7 We'll be happy to provide the drainage
8 calculations of this material for his review.

9 Q Comment No. 10, roof leaders around the
10 existing building have been disconnected from their
11 underground path. That's something that we will
12 address.

13 Is that correct?

14 A Absolutely. This will be such that the
15 connections to the underground system will be
16 maintained which is a betterment to the site.

17 The applicant has no objection to that.

18 MR. MIRANDI: And, you won't be running it
19 out through the curb on Rose Avenue?

20 THE WITNESS: Correct.

21 MR. MIRANDI: Okay.

22 A Item No. 3.

23 Q Inspection on 13.

24 Item 11 and 12, those will be addressed if, if
25 an issue.

1 Is that correct?

2 A We have no objection to that, making those
3 corrections which is a repair and maintenance issue
4 that was brought up here with existing inlets.

5 Q 13, 14 as well, those seem to be
6 maintenance issues?

7 A There is a catch basin out in Rose Road
8 and it's our understanding that it does not traverse
9 the, through the site but traverses through the site
10 to the commercial property to the south.

11 So, we are not effecting that in any of the
12 proposal here but the terminus of that pipe could not
13 be found by our field survey crew.

14 So, I believe a meeting with the DPW may be the
15 way to answer the question to satisfy Mr. Mirandi with
16 respect to that pipe.

17 But, that's a municipal drain, draining the
18 waters.

19 MR. MIRANDI: Actually, I'm referring to
20 the on-site inlet not the one on Rose Avenue.

21 THE WITNESS: On-site inlet?

22 MR. MIRANDI: Right around there, right.

23 THE WITNESS: On-site inlet, we have
24 observed this. And, I do note that it needs repair.
25 And, I will be certain that that is maintained.

1 MR. MIRANDI: And, you indicated that you
2 stipulate to a video inspection of that with the DPW.

3 THE WITNESS: Yes.

4 MR. MIRANDI: Very good.

5 Q And, I would submit that No. 15 does not
6 appear to be applicable.

7 Would you concur with that Mr. Collazuol?

8 A Correct.

9 Q And, then, if we could just touch upon the
10 landscape proposed?

11 A That's correct.

12 We are, we're proposing, with respect to
13 landscaping, a fence, as I mentioned, along the top of
14 the proposed wall which is offset from the property
15 line and along the westerly and easterly side of the
16 proposed playground.

17 To that extent, the site will have green turf
18 and rubberized material but no alterations to the
19 landscaping are proposed.

20 MR. ALAMPI: Mr. Chairman, I would submit
21 that we would meet with the shade tree. That's a
22 comment, obviously No. 17.

23 We will meet with the Shade Tree Commission if
24 the Board were to grant the application.

25 MR. MIRANDI: And, Mr. Chairman, that's a

1 standard procedure that we do in town, that the
2 applicant, before getting their building permits, if
3 this is approved, would meet with the Shade Tree and
4 Environmental Commissions to review the specifics of
5 landscaping and the like.

6 CHAIRMAN FEHRE: Thank you.

7 Q Mr. Collazuol, if I could just turn your
8 attention to Page 7.

9 We'll leave the traffic and public safety to the
10 experts.

11 A Yes.

12 Q Lighting review, we're not proposing any
13 new lighting.

14 Is that correct?

15 A It's my understanding that no changes are
16 to be proposed. There will be no activities by the
17 child care after hours. And, there are some lights
18 noted on the survey around the back of the building.
19 And, they will remain.

20 Q And, any of the site plan review comments
21 that you feel are applicable to your testimony, if you
22 could address those.

23 A Item 31, site plan review, the trash and
24 dumpster is being relocated and providing an extra
25 space which is shown as proposed space No. 6.

1 MR. MIRANDI: So, Mr. Chairman, excuse me
2 if I may ask a question.

3 To that point, that dumpster is being relocated
4 off the subject property onto the property of the
5 building owner to the east.

6 So, how would -- is there an access -- is there
7 a cross garbage?

8 MR. ALAMPI: We own the building to the
9 east.

10 MR. MIRANDI: I'm sorry.

11 MR. ALAMPI: We own the building to the
12 east.

13 MR. MIRANDI: It is a separate LLC so I
14 don't know how you want to handle that, Mr. Chairman,
15 Mr. Attorney.

16 MR. KATES: It's going to be a shared --
17 is it reciprocal?

18 MR. ALAMPI: Yes.

19 MR. KATES: Is it shared?

20 MR. ALAMPI: Yes.

21 MR. KATES: Maybe there will be some kind
22 of reciprocity agreement between the two properties.
23 They're separate entities.

24 MR. ALAMPI: They're separate entities
25 controlled by the same individual. So, we're

1 proposing to locate the dumpster over there.

2 I believe that there is cross-flowing traffic
3 but there's no curbing so...

4 MR. KATES: So it works also for traffic
5 not just the dumpster?

6 MR. ALAMPI: There aren't actually cross
7 easements for the traffic but I know there's no
8 curbing and I'm assuming that traffic flows.

9 MR. KATES: But, it's separate ingress and
10 egress.

11 MR. ALAMPI: Right.

12 MR. KATES: But they can --

13 MR. ALAMPI: It's one of those things,
14 when you're in the field, you can traverse the
15 properties.

16 Now, again, obviously that doesn't mean that
17 something couldn't happen where --

18 MR. KATES: But, the only thing that
19 requires, I think, recognition is the dumpster.

20 MR. ALAMPI: Correct.

21 MR. KATES: Okay.

22 MR. MIRANDI: Mr. Chairman, just a further
23 follow-up question on that dumpster relocation, right
24 now that dumpster location is established that it's
25 across the entrance point to the Charlotte Road area

1 to get in there. So, a garbage truck could pull
2 straight in, pick up that dumpster with its forks and
3 dump it into it and back out easily.

4 The proposed location of that now puts it off of
5 that access area in an aisle that you have parking
6 backed up to it. So, I don't know how that garbage
7 would be removed.

8 MR. ALAMPI: Mr. Chairman, in response to
9 that question, the waste removal is shared between the
10 two buildings. We have a contract with the carting
11 company. They come in and remove the garbage.

12 We don't have separate contracts for the two
13 buildings. So --

14 MR. MIRANDI: But, that doesn't address my
15 follow-up question. The relocation of that, will that
16 be accessible?

17 Because, right now you're coming straight in
18 with that garbage truck off of Charlotte Avenue to
19 that point where it would pick it up and put it in its
20 container. The location of that is now being stuck in
21 whatever that dimension is, 23 foot.

22 I don't know how that would be addressed.

23 Maybe they're coming in from the side, maybe the
24 engineer could comment on that.

25 THE WITNESS: The worse case scenario is

1 we leave it where it is. I mean, we only have one
2 space left. That would be the worse case.

3 It was our intention to place it there and be
4 accessible.

5 MR. MIRANDI: I just want to make sure
6 that garbage could be picked up. I'm sure there is
7 away that the guys will pick it up.

8 MR. ALAMPI: We don't anticipate an issue
9 with it.

10 But, if necessary, you know, it's our position
11 that we have additional spaces that aren't required
12 under the ordinance. So, we, we could sacrifice a
13 space, if necessary, to address that issue.

14 But, it's not an issue that --

15 MR. KATES: You agree to put in place some
16 sort of reciprocity agreement on that function?

17 MR. ALAMPI: For the garbage.

18 MR. KATES: Access for waste disposal.

19 MR. ALAMPI: Yes.

20 MR. MIRANDI: And, does that include
21 recycling in that area, too?

22 MR. ALAMPI: All waste is, is located
23 there.

24 THE WITNESS: Yes.

25 MR. CHINMAN: That's where it's currently

1 located right now on the site?

2 THE WITNESS: Yes. If you look at the
3 site plans, right between 7 and 6.

4 MR. ALAMPI: So, we're moving it over to
5 the east.

6 MR. CHINMAN: On the adjacent property?

7 MR. ALAMPI: On the adjacent property.

8 MR. CHINMAN: The adjacent property has
9 garbage there now?

10 Right.

11 MR. ALAMPI: The adjacent property is
12 using our dumpster facility.

13 MR. KILMARTIN: So the two properties are
14 sharing that dumpster?

15 MR. ALAMPI: Correct.

16 So, instead of keeping it on the subject site,
17 we're going to shift it over to the other site.

18 MR. MIRANDI: How many times a week do
19 they pick up the garbage from that point?

20 Maybe that's a question for the owner later.

21 MR. ALAMPI: My understanding is three.

22 MR. MIRANDI: Okay.

23 CONTINUED DIRECT BY MR. ALAMPI:

24 Q Any other comments or testimony, Mr.
25 Collazuol, with regard to any of the issues raised in

1 the review letter?

2 A No.

3 As indicated earlier, review of the ADA ramp and
4 all of the items of Mr. Mirandi's letter we would be
5 happy to comply with.

6 MR. MIRANDI: So, Mr. Chairman, just a
7 follow-up on that.

8 I don't think I heard a specific comment on Item
9 No. 3030 which indicates -- and, I don't know if the
10 numbers have changed from the current plan. But, on
11 the old plan, parking spot No. 1, 34 and 35 were part,
12 were all partially in the Borough right-of-way.

13 So, when you say you're going to comply, does
14 that mean you're going to move them out of the Borough
15 right-of-way and then decrease the parking spots by
16 three spaces?

17 THE WITNESS: The plan is to allow those
18 non-conforming spaces and those encroachments to
19 remain. And now they are numbered 1, 35 and 36.

20 MR. MIRANDI: Okay. So, I guess that
21 would be up to the Planning Board and maybe Police
22 Department or DPW.

23 MR. ALAMPI: Mr. Chairman, Counsel, I have
24 no further questions of Mr. Collazuol as I feel that
25 the testimony provided is sufficient.

1 However, I can continue to question him.

2 CHAIRMAN FEHRE: Go ahead, Mr. Chinman.

3 MR. CHINMAN: I'm looking at the adjacent
4 property which is owned by the same people. It looks
5 like there's lots of parking on that lot.

6 Have you done any parking calculations for that?

7 THE WITNESS: I have not but I would
8 concur, there is a lot of free spaces there.

9 MR. CHINMAN: It seems like, in the
10 current situation, there's a nice aisle and it could
11 all be shared.

12 And, in this situation you're kind of closing it
13 up a little bit. It's hard to get from one property
14 to the other.

15 THE WITNESS: The access, if one were to
16 go to the site would be from the Charlotte Place.

17 MR. CHINMAN: Right. But, right now they
18 have access between the two properties from side to
19 side.

20 THE WITNESS: Yes. You can go from Rose
21 Road to the property.

22 MR. CHINMAN: No. No. I'm talking about,
23 if you are coming in Charlotte, right now, you could
24 make a left into that property and go to the following
25 property.

1 THE WITNESS: Correct.

2 MR. CHINMAN: Right.

3 THE WITNESS: That's not being changed.

4 You would still be able to do that.

5 MR. CHINMAN: How much space there --

6 THE WITNESS: It's a 23 foot aisle. And,
7 it will remain. Where the catch basin is, you make a
8 left.

9 CHAIRMAN FEHRE: Any other questions for
10 this witness?

11 MR. MIRANDI: Mr. Chairman.

12 CHAIRMAN FEHRE: Mr. Mirandi.

13 MR. MIRANDI: If the Board has no further
14 questions, just before Mr. Collazuol steps down, just
15 a couple of comments.

16 They went through the variances. I had a couple
17 other variances, existing, pre-existing condition
18 variances listed. So, the Board just should be aware
19 of.

20 And, I noted it on Page 4 of 9 of my letter.

21 7E was the aisle width. And, you just heard Mr.
22 Collazuol indicate 23 foot is existing and it's
23 proposed. And, as the Board knows, 25 foot is our
24 requirement where the typical industry standard is 24
25 foot.

1 Front yard parking, with that one spot that was
2 covered by the snow on the survey but actually makes a
3 pre-existing condition of front yard parking.

4 And, also, as covered by the snow, that wasn't
5 on the original survey, we do have that maximum curb
6 cut along Rose Avenue which I think scaled to about 66
7 feet. So, that's another existing variance.

8 And, Mr. Chairman, getting back to your question
9 previously on the buffer for the property, the, on the
10 property to the south, that property line, you have
11 the concrete retaining wall that was indicated is
12 right along the property line.

13 And, as you come towards the east with that area
14 and you could see that on the survey, actually the
15 concrete retaining wall steps back a little bit and a
16 small portion of those parking spots do encroach
17 beyond that property line.

18 So, the answer to your question is, there is no
19 buffer. There is zero buffer to that property to the
20 south. And, the testimony that you had heard
21 indicated that wooded area, that wooded area is
22 exactly a wooded area. But, that's in the right of
23 way behind Rose Avenue. So, that's not really on the
24 property in question.

25 MR. S. KIM: Mr. Mirandi, I have a

1 question.

2 The actual subject, the proposal right over here
3 is they actually providing the playground right in the
4 property. Actually that's raising up to some of the
5 elevations at the back of the property and the
6 construct structural. The cedar is covering some of
7 the property. So, I think they have to recalculate
8 the lot coverage of the whole, you know, this project
9 here.

10 MR. MIRANDI: Well, I believe it's
11 existing impervious. And it's going to be existing
12 impervious from my calculations.

13 They did pass around a material for playground
14 cover. And, I noted somewhere in my letter here, too,
15 that the playground cover material, specifically the
16 thickness of that is a requirement of the playground
17 equipment. So, that's all part of playground safety
18 requirements that will be calculated.

19 And, that would be submitted to the Building
20 Department for their review before the permits are,
21 are granted should the Board look favorably upon this.

22 But, I do agree that this would be impervious
23 area which I believe, when we go through those
24 calculations, before they get their permit, that's
25 some of the stuff that Mr. Collazuol had stipulated

1 to, that they would submit to us and we would review
2 it internally with our hydrology expert and double
3 check all the drainage calculations, like is typically
4 done before building permits are issued.

5 MR. S. KIM: My concern is actually
6 building retaining wall at the back and even if they
7 provide a few steps, going up to the playground.

8 MR. MIRANDI: Right, you're right, they
9 are raising that elevation.

10 So, maybe Mr. Collazuol you could give a little
11 more detail on Mr. Kim's question.

12 MR. S. KIM: I consider it structurally.

13 So, if they build up some structure, then that
14 area has to be calculated as a, you know, part of the
15 lot coverage.

16 MR. MIRANDI: Oh, what Mr. Kim is
17 indicating is that that masonry wall is becoming part
18 of the structure and, as a result of that, is that
19 retaining wall tied into the building itself.

20 THE WITNESS: Is that a question for me?
21 The answer is no.

22 MR. MIRANDI: Okay. So, if it was tied
23 into the building itself, then that would create an
24 increase in the maximum lot coverage which is
25 basically the building coverage because that would be

1 then considered a structure that's attached to the
2 building.

3 But, if it's not tied in, as Mr. Collazuol had
4 just indicated, then that does not impact the maximum
5 lot coverage calculations that he had indicated in his
6 zone table up on the top right-hand of that exhibit
7 that's on the easel now.

8 MR. ALAMPI: Counsel, I would just
9 suggest, while I, obviously, could concur with what
10 Mr. Collazuol is saying, I don't necessarily agree
11 with whether or not that that would be the case, that
12 it would be calculated in that manner. But, I don't
13 think that it's relative to the application given Mr.
14 Collazuol's testimony.

15 MR. KATES: The answer is, it's not tied
16 in.

17 MR. ALAMPI: My boss reads these
18 transcripts.

19 MR. KATES: You have a boss?

20 MR. MIRANDI: Send him a card on Father's
21 Day.

22 CHAIRMAN FEHRE: Any questions of this
23 witness?

24 Okay. Then, if you could bring your next
25 witness, the traffic expert, I think.

1 MR. ALAMPI: Thank you, Chairman.

2 Mr. Klein.

3 Counsel, do we want to open?

4 MR. KATES: I think after they're all
5 done. The Board's procedure is to hear it all and
6 then let the public speak.

7 Do you swear the testimony you're about to give
8 this Board shall be the truth so help you God.

9 THE WITNESS: I do.

10 Lee, middle initial D as in Daniel, Klein, K L E
11 I N.

12 MR. KATES: And, your affiliation.

13 THE WITNESS: Principal with Klein Traffic
14 Consultants, 156 Walker Road, West Orange, New Jersey.

15 MR. KATES: Your witness.

16 MR. ALAMPI: Thank you, Counsel.

17 DIRECT EXAMINATION BY MR. ALAMPI:

18 Q Mr. Klein, I know that you're a traffic
19 expert.

20 However, have you testified before this Board
21 before?

22 A I don't believe I have testified before
23 this Board.

24 Q Okay. Mr. Klein, can you give us the
25 benefit of your educational background?

1 A Sure.

2 I have a Bachelor of Science in Civil
3 Engineering from Rutgers University. I'm a
4 Professional Engineer in New Jersey as well as New
5 York, Pennsylvania and Delaware. I'm also a
6 nationally certified Professional Traffic Operations
7 Engineer.

8 I've been an expert traffic engineer as well as
9 over 50 boards. I've also done work for the boards as
10 well as for the applicants.

11 Q Mr. Klein, do you count cars for a living?

12 A I have done that.

13 MR. ALAMPI: Counsel, I ask that we accept
14 Mr. Klein.

15 CHAIRMAN FEHRE: Yes. Well accept him.

16 THE WITNESS: Thank you.

17 Q Mr. Klein, you have been retained by the
18 applicant to provide traffic testimony.

19 Is that correct?

20 A That's correct.

21 Q And, as part of that duty, have you
22 visited the subject site?

23 A Yes, I have.

24 Q And, have you spent sometime in the
25 subject site as well as the surrounding neighborhood

1 and area?

2 A Yes, I have.

3 Q And, you familiarized yourself with the
4 plan being submitted here this evening?

5 A Yes.

6 Q Existing conditions?

7 A Yes.

8 Q Proposed conditions?

9 A Yes.

10 Q And, you've compiled some data.

11 Is that correct?

12 A That's correct.

13 Q And, you were at the subject site at
14 various times on multiple occasions.

15 Is that correct?

16 A That's correct.

17 Q And, can you tell us what it is that you
18 have found?

19 A Sure. Well, just to go a little bit, I
20 guess, into the parking situation, the building, as
21 has been stated before, is over 15,000 square feet.

22 Based on the town, the Borough ordinance, it
23 requires 77 parking spaces and we're deficient, we
24 have 53 and -- or 54 spaces.

25 And, what we're proposing is that, by taking

1 away some of the office space, we reduced the amount
2 of parking that's required. But, we want to also
3 explain that, from a practical standpoint, we have
4 enough parking for the day care and the office which
5 co-exists.

6 So, what I did is, I looked at the Institute of
7 Transportation Engineers Trip Generation Manual, the
8 4th Edition. And, I looked at the average peak
9 parking demand for an office space and also for a
10 child care center, a day care center.

11 And, what I came up with is the average peak
12 parking demand, which is the number of cars parked.
13 For office is about 2.84 parking spaces per thousand
14 square feet and multiply that by the seven or the
15 8,000 square feet -- 7,200 square feet of office space
16 that's going to remain, we need 20 spaces.

17 And, for the day care, excuse me, we have 11
18 employees at the peak. So, we have 11 spaces that we
19 require assuming that each employee comes with
20 themselves in one vehicle. So, now we have 31 parking
21 spaces.

22 And, of the 43 we have used up 31 for office and
23 employees of the day care and now we have 12 parking
24 spaces left.

25 So, if we look at those 12 parking spaces and

1 assume that they turn over every 6 minutes, a parent
2 comes in, drops off their children and then comes back
3 out within a 6 minute period, we could turn those
4 spaces over 10 times, 12 spaces turned over 10 times
5 can accommodate 120 cars in that one hour.

6 So, that's the parking situation.

7 I could go through a little bit of the
8 circulation and how that works.

9 Parents are supposed to pull into a parking
10 spot, park, walk their children in, scan in, come back
11 out and get back into their car and leave.

12 Where we're putting the playground area, it
13 separates the parking on both sides of the building
14 now so that traffic won't be circulating in through
15 Rose Avenue, cutting through the site, circulating
16 around again. Only the people that will be on the
17 west side of the building would come in off of Rose
18 Avenue. And, those others that are in the other
19 spaces on the east side of the building would come in
20 off of Charlotte Avenue -- Charlotte Place.

21 MR. KILMARTIN: Could you point out the
22 entrance, proposed entrances to the child care
23 facility?

24 THE WITNESS: Yeah. There's the main
25 entrance in the front and there's the entrance in the

1 back for the lower level.

2 MR. KILMARTIN: And, where is that?

3 THE WITNESS: That's somewhere in, I think
4 it's right in here, where there's no space between
5 Space 25 and 26.

6 MR. KILMARTIN: Is there anything on the
7 west side of the building as far as the entrance?

8 THE WITNESS: No. People that would park
9 in here could walk up the street, use the sidewalk and
10 enter in on the Charlotte Place side.

11 MR. S. KIM: So, all the drop off is going
12 to happen at the --

13 THE WITNESS: I would say most of the drop
14 off, I would say, would be here. And then, also,
15 people could drop off on this side as well, walk their
16 child in through the front door and either stay on
17 that level or go down.

18 MR. S. KIM: What is at going to happen on
19 the street not the parking level -- it's going to
20 happen on the street then, you know, not in the --

21 THE WITNESS: In the parking lot.

22 MR. S. KIM: In the parking lot?

23 THE WITNESS: In the parking lot. They
24 are to park their car, walk the children through the
25 front door or through the side door.

1 MR. CHINMAN: And, the offices?

2 THE WITNESS: The offices also enter
3 through the front door and then go upstairs or stay on
4 that level to use that, to get down to the level on
5 the ground floor.

6 CONTINUED DIRECT BY MR. ALAMPI:

7 Q Mr. Klein, you were here for the testimony
8 of the architect. And, obviously, once you get in the
9 building, you can go to all the different levels from
10 any one of the entrances?

11 A Correct.

12 Q In other words, you don't come in and you
13 are locked into the ground floor through that
14 entrance?

15 A Correct. Correct.

16 Q So, while the day care is on two different
17 levels, naturally somebody that's bringing in two
18 different age groups --

19 A Right.

20 Q -- they can drop off both children?

21 A Correct. A person bringing the younger
22 child if they're on the lower level, they can bring in
23 the younger child, drop them off, take their older
24 child off upstairs, go out the same way or go out the
25 front door and get back into their car.

1 EXAMINATION BY CHAIRMAN FEHRE:

2 Q There are two buildings here owned or
3 controlled by the same person.

4 Are cars from one building parking in the lot of
5 the other building?

6 A Not that I noticed. I mean, I noticed,
7 when I've been there on different occasions, there's
8 always a couple of cars parked in the back and a few
9 cars parked on both sides of the aisle as you're
10 coming in off of Charlotte Place. But, I didn't
11 notice if any -- I never watched anyone park their car
12 on the other property and walk across.

13 And, there were plenty of parking spaces on our
14 property.

15 Q The driveway, the width of the driveway
16 going in --

17 A What is the width of it?

18 Q That's a two-way driveway?

19 A Correct.

20 Q Can handle two cars?

21 A Correct. Yes.

22 MR. ALAMPI: Mr. Chairman, I just wanted
23 to make a comment.

24 To be fair, what's happening currently at the
25 site, this site, is that the various building

1 occupants, they don't seem to be occupying the
2 building everyday, 9:00 to 5:00 in the typical
3 fashion. Not that that can't happen. I'm just, you
4 know, giving the Board the benefit of that as it sits
5 today.

6 But, you know, again, Mr. Klein's testimony,
7 you'll hear the testimony of Mr. Spatz, the
8 calculation of the parking.

9 We're not seeking a parking variance, so the
10 building is, is sufficiently parked.

11 MR. KATES: In terms of the drop off and
12 pick up, you have a total student population or care
13 population of certainly --

14 THE WITNESS: I think the licensing number
15 is 126.

16 MR. KATES: 126. And, you had covered
17 120, you said, in turnaround in one hour.

18 THE WITNESS: Just in one hour. Correct.

19 MR. ALAMPI: And, again, the testimony of
20 the franchisee, you know, with day care, the window of
21 drop off, the window of pick up is very staggered
22 unlike a traditional school where the bell rings at
23 8:00 and everybody has got to be in the classroom. We
24 have these windows of time. And, it's really based on
25 naturally when the parent has to be at work.

1 So, if you have to be at work at 7:30, you're
2 dropping the kid off at 7:00. If you have to be at
3 work at 8:30, maybe you're not dropping the child off
4 until 8:00.

5 And, you know, my experience right now, in
6 addition to having to be on a waiting list for day
7 care these days is, my wife drops off both the
8 children at the same facility, at the same time
9 everyday.

10 So, that's, that tends to be the way, the way it
11 operates, a lot of structure with the youngins.

12 CONTINUED DIRECT BY MR. ALAMPI:

13 Q Continue, Mr. Klein.

14 A Sure.

15 The comment that we've gotten from the Police
16 Department, they had a memo that they had issued dated
17 March 11, 2014. And, there was a mention of the
18 morning rush hours being extremely busy.

19 So, I went out on April 29th, that was a
20 Tuesday, and observed not only the operation of the
21 area in front of our site but I also went down ways
22 towards the Upper School just to see how traffic
23 operated. I was there for the a.m. peak hour. I
24 believe it was the 8:10 drop off. School starts at
25 8:10.

1 And, I was there also in the afternoon for the
2 2:50 dismissal. And, you can sort of -- going back to
3 the cover sheet, just so you get an idea of what's
4 going on.

5 Sylvan Avenue is out to the left of the page.
6 The school is down in here.

7 What I noticed is cars started to queue up when
8 I got there around 2:40 in the afternoon. Cars start
9 to park on both sides of Charlotte Place, on both
10 sides of the Upper School drive.

11 What I saw was 12 cars at the max. It was about
12 3:00, a little bit before 3:00 when that happened.
13 And, that only came out to like, I think it was No.
14 133 Charlotte Place. And, that was over 200 feet away
15 from the intersection of Rose Place. So, I didn't see
16 that -- I was there on an afternoon when it was
17 raining, when, I would think, a lot of kids would get
18 picked up and dropped off.

19 It was a little misty in the morning. But, I
20 didn't see any congestion.

21 And, I was there again yesterday, around
22 2:45/3:00 as well and didn't see any congestion.

23 MR. MIRANDI: Was that the heavy rain day
24 or was that April 30th, the heavy rain day?

25 THE WITNESS: It was raining. I mean, you

1 know, it was wet out. There were a lot of people
2 lined up like they do at most schools, come out and
3 talk to parents, get there a little on the early side.
4 And, by 3:05 it's a ghost town. Everybody is gone.

5 Q Mr. Klein, did you notice any crossing
6 guards, signage, anything like that in regard to what
7 was happening along Charlotte Place?

8 A When I was there on April 29th, there were
9 emergency signs, emergency police, how do I say it, it
10 was an emergency parking restriction, just on that one
11 day.

12 I didn't notice that any of the parents were
13 obeying that. But, there were signs posted for that
14 on some of the utility poles along there. I don't
15 know what the reason was. There was no utility work
16 or any kind of activity.

17 MR. KATES: This Board created that
18 emergency.

19 THE WITNESS: And, then there's also a
20 sign that the parents, no vehicles are allowed to come
21 into the school between 2:35 and 3:00, I believe it
22 is.

23 CONTINUED DIRECT BY MR. ALAMPI:

24 Q Mr. Klein, you were here for the testimony
25 of the franchisee. And, again, the peak hours of this

1 facility would not be at 2:30 in the afternoon.

2 A Correct.

3 Q Or 3:00 in the afternoon.

4 A Correct.

5 Even the half day children would probably be
6 picked up closer to noon or 1:00.

7 MR. ALAMPI: Mr. Chairman, although I know
8 we all love traffic testimony, I could have Mr. Klein
9 continue and go.

10 I'm going to open him up to the Board. I don't
11 feel we have any further questions of his testimony.

12 CHAIRMAN FEHRE: Are there any questions?

13 MR. KATES: In your opinion, the site
14 works?

15 THE WITNESS: Yes. Both from a practical
16 standpoint as well as from the ordinance requirements.
17 Correct.

18 MR. KATES: What about the office
19 population, could you say what kind of offices would
20 be there?

21 THE WITNESS: Well, that's going to change
22 from time-to-time. So, that's why I used national
23 standards to figure out what the average parking
24 demand would be. So, I could say, okay, those 20
25 spaces are taken up by the office regardless of

1 whether it's full-time office people or office people
2 that just come in 2, 3 days a week.

3 MR. ALAMPI: And, we do hope that some of
4 those people, obviously, utilize the facility.

5 THE WITNESS: Right. I forgot to mention
6 that.

7 The point of having it in this location where
8 there is an office building right in the building as
9 well as next door and across the street and all along
10 Sylvan Avenue is a good thing because it gets people
11 closer to their children at work. So, if they can
12 drop their kids off and be back at work in 5 minutes,
13 that's a good thing.

14 MR. KILMARTIN: So your testimony was that
15 only 20 spaces is required for the remaining office
16 space for this building?

17 THE WITNESS: If you look at the Institute
18 of Transportation Engineers and you compare apples to
19 apples, I looked at the average peak demand of office
20 for 7,200 square feet. I looked at the employees, one
21 parking space per employee and what was remaining
22 would be used for the parents.

23 MR. KILMARTIN: Okay. Currently the
24 building should have 77 space for the entire building.

25 THE WITNESS: That's a high number. That

1 5 per thousand is a high number. Usually it's more
2 like 4 and even some of them are, numbers are going
3 down.

4 MR. KILMARTIN: Where did that 5 per
5 thousand number come from?

6 THE WITNESS: That's the Borough
7 ordinance.

8 MR. KILMARTIN: If you say that half the
9 building is now going to be day care and the other
10 half is still office and you divide 77 by 2, you have
11 a considerably higher number than what you're coming
12 with.

13 THE WITNESS: Right. Then you have the 37
14 and we have 43. And, we don't really need any by
15 statute. And, the planner will explain what that's
16 all about.

17 MR. KILMARTIN: I don't follow that. You
18 don't need any parking spaces for the staff of the, of
19 the day care center and for 110, 120 children that
20 need to be dropped off, park, bring them in and you
21 don't need any parking spaces.

22 THE WITNESS: Right. That's why I did
23 that exercise, to go through and say let's, let's
24 compare industry standards for office, industry or
25 practical numbers for day care, one per employee at

1 the peak.

2 And, again, the employees won't all be there at
3 6:30, 7:30, 8:00. They'll ramp up as well because
4 they know the schedule of the students or the children
5 that are coming in.

6 MR. KILMARTIN: Right. But, I just don't
7 see how the fact that 120 students need to be
8 transported and they're being transported by car.

9 The cars are parking at various times but I just
10 don't see how that somehow doesn't make it into these
11 calculations.

12 THE WITNESS: Well, it did. That's why I
13 said we have the 12 -- we have 43 parking spaces, 20,
14 on average, is the demand for the office.

15 And, again, this will be on the early side. So,
16 a lot of the office people don't show up until after
17 8:30, closer to 9:00. I erred on the side of the
18 average peak demand of the office. That's 20 spaces.

19 Then I got one for each employee of the day
20 care, that's 11 more. And, I'm up to 31.

21 So, I've got 12 left. I need 43 that I could
22 use for the parents to pick up and drop off their
23 children.

24 So, if they turn over every 6 minutes, that's 10
25 people could use that one parking spot. So that's 120

1 parking spaces that could be turned over in that hour.

2 MR. KILMARTIN: I hear you. Thank you.

3 CHAIRMAN FEHRE: Did you look into the
4 possibility of sharing the parking with the building
5 to the east?

6 THE WITNESS: We didn't need to based on
7 the calculations. And, there is no -- you know, the
8 circulation is still going to be the same. We're not
9 cutting anything off.

10 So, however people are parking today, they will
11 continue to be able to park that way without the --
12 except for the playground area.

13 MR. MIRANDI: Mr. Chairman, I had two
14 questions of Mr. Klein. One regarding circulation.

15 When I looked at the site on Google Earth and
16 Bing, I forget which one of them, I saw a box truck
17 right where the playground area is from Rose Avenue.
18 So, I got the impression that those trucks service the
19 building to the east, coming from Rose Avenue.

20 I certainly don't want the owner to hurt himself
21 on the other property.

22 Can you give any guidance to the accessibility
23 of those type trucks to the other property so that
24 won't be infringed upon?

25 MR. ALAMPI: Mr. Klein, just before you do

1 do that.

2 Counsel, I want to make it clear that the other
3 property cannot be considered with respect to flow of
4 traffic. I think we're starting to get into an area
5 where we're considering the other property.

6 And, I just don't think it's appropriate.

7 While we're considering it with respect to the
8 dumpster, these other questions and how, you know, a
9 truck driver may be transversing the site, I just
10 don't think that it's appropriate.

11 MR. KATES: You're putting in the
12 application as if they're separate.

13 MR. ALAMPI: Absolutely.

14 MR. KATES: Okay.

15 MR. MIRANDI: Okay.

16 MR. ALAMPI: Mr. Klein.

17 THE WITNESS: You're saying, Mr. Mirandi,
18 a UPS truck might come in this way, make a left onto
19 Rose.

20 MR. MIRANDI: That's what I believe.

21 THE WITNESS: And work their way back.

22 MR. MIRANDI: It's a separate property. I
23 didn't look at it. And, I was just wondering, when
24 you were out there that day, if you saw anything.

25 But, if, if that's -- I'm sorry. I thought it

1 was reciprocal back and forth. But, it's just
2 dumpsters.

3 Then my second question was, you heard my
4 comment before on the location of the dumpster. Is it
5 feasible for that dumpster to be picked up in that
6 spot when you have 23, when you're backed up to 23
7 foot with the aisle width.

8 THE WITNESS: I understand.

9 In order for a truck to get in there, they have
10 to be perpendicular, whether it's a front loader or
11 rear loader.

12 MR. MIRANDI: Right.

13 THE WITNESS: And, that's a good point.

14 I guess, without running a turning template, I
15 think we just said, we should put the dumpster back.

16 MR. MIRANDI: Right. They said, the worse
17 case scenario, they would keep it there.

18 THE WITNESS: If a car had to park -- you
19 can't really tell where the property begins and ends.
20 You almost look at these spaces and think, because
21 they're facing that building next door, that they
22 belong to that building.

23 MR. MIRANDI: All right. Thank you.

24 CHAIRMAN FEHRE: Any other questions?

25 Okay. Bring up your next witness.

1 Do you have any questions, Mr. Mirandi?

2 MR. MIRANDI: No, not of this witness.

3 Thank you.

4 MR. ALAMPI: Thank you, Mr. Chairman.

5 Thank you, Mr. Klein.

6 Mr. Chairman, I would like to call our next
7 witness, Mr. Spatz.

8 MR. KATES: Raise your right hand.

9 Do you swear the testimony you're about to give
10 this Board shall be the truth, so help you God.

11 THE WITNESS: Yes, I do.

12 MR. KATES: And, identify yourself by name
13 and business address, please.

14 THE WITNESS: Yes. David Spatz, S P A T
15 Z. My business address is 60 Friend Terrace,
16 Harrington Park, New Jersey.

17 MR. KATES: You appeared before this
18 Board?

19 MR. SPATZ: Yes, I have, about four or
20 five months ago the last time.

21 CHAIRMAN FEHRE: Okay. We'll accept him.

22 MR. KATES: As a Professional Planner, Mr.
23 Spatz.

24 Your witness.

25 MR. ALAMPI: Thank you, Counsel.

1 DIRECT EXAMINATION BY MR. ALAMPI:

2 Q Mr. Spatz, you are a Professional Planner.
3 You have been retained by the applicant to provide
4 planning testimony here this evening.

5 Is that correct?

6 A Yes.

7 Q And, in your capacity as a professional
8 planner, I am sure that you have reviewed the zoning
9 ordinances, Master Plans, update of the Master Plans,
10 the MLUL, site plan application, the site plan as
11 submitted, the architectural drawings.

12 Is that accurate?

13 A That is, yes.

14 Q And, you have also reviewed the site
15 itself. You've been out to the site, I am sure.

16 A I have, on multiple occasions, yes.

17 Q Okay. And, Mr. Spatz, if you could just
18 go through the pre-existing variances, not being
19 exacerbated, anything that we would be seeking, any
20 relief we would be seeking as well as the testimony
21 for the parking.

22 A Certainly. The Municipal Land Use Law,
23 the citation is 40:55d-66.6, states that day care
24 centers are to be permitted uses in all
25 non-residential zones of the municipality. And, that

1 is throughout the State.

2 So, the use itself is permitted according to
3 State law.

4 The building and the property, there are a
5 number of pre-existing non-conformities, lot area,
6 front yard setback, the corner side yard requirements,
7 from the business zone. These are all pre-existing
8 conditions that are not effected by our proposal and
9 would be there for the existing building as well as
10 any other permitted use within the building.

11 The parking spaces and circulation have also
12 some pre-existing conditions.

13 The dimensions of the parking spaces, their
14 location as they relate to the street line, the
15 circulation island, curb cut widths also don't conform
16 to your current standards. Again, they are
17 pre-existing conditions. And, again, are not effected
18 by anything that we're doing.

19 So, all of the bulk variances are all
20 pre-existing conditions.

21 As to the parking, Mr. Klein gave a very
22 detailed calculation as to the parking. But, purely
23 from a zoning point of view, again, the Municipal Land
24 Use Law in that section that indicates that day care
25 centers are required to be allowed in all

1 non-residential uses, in Section 1 of that section it
2 says that for purposes of calculating parking, all of
3 the space devoted to the day care center is removed
4 from that.

5 So, all you need to look at, as far as parking,
6 from a purely ordinance point of view, is the offices
7 that remain. The office space remaining in the
8 building is 7,212 square feet which, which would
9 require a total of 37 parking spaces, 43 are provided
10 on the lot.

11 So, in terms of the zoning ordinance, there is
12 no parking variance required at all.

13 Obviously, there's a need for parking both for
14 the offices as well as the day care center. And, Mr.
15 Klein went through the calculation to indicate that
16 there was a sufficient amount of parking both for the
17 20 spaces for the existing offices that are there, 11
18 spaces for the employees of all, if all the employees
19 are there at the same time and then enough space left
20 over for the day care center with the turnover.

21 We talked about the total number of children
22 that could be in the structure. Typically, it doesn't
23 rise to that number. And then, in any event, even if
24 it did, there's always children that are absentee.
25 So, there's not that full amount of parking. But,

1 there is enough space on the property to support the
2 cars going in and out.

3 So, the spaces that, that are there are
4 conforming.

5 As Mr. Klein indicated, there's limited
6 conflicts between the uses that are, excuse me, the
7 uses that are on the property.

8 There's enough parking adjacent to the building
9 for the children to be dropped off and people to get
10 in, both in terms of off of Rose Avenue as well as
11 within the existing parking lot.

12 What's being proposed with the playground in the
13 rear actually provides some benefit for the residences
14 that are along Rose, further up Charlotte in that
15 there is no longer a flow through the parking lot so
16 the cars that come in off of Charlotte cannot go out
17 on Rose and so there's, it limits the amount.
18 Certainly truck traffic is limited as well as
19 everything has to come out of Charlotte and then up to
20 Sylvan Avenue.

21 The use itself, in addition to being permitted,
22 certainly provides a benefit, serving the residences
23 of, the residences of Englewood Cliffs as well as in
24 the surrounding office buildings. It's going to be
25 marketed to those surrounding buildings.

1 So, it provides a service that is certainly
2 needed.

3 MR. KATES: There are no new variances?

4 THE WITNESS: There are no new variances
5 at all. It's all for pre-existing conditions. And,
6 the parking variance, technically there's no parking
7 variance either because you factor out the day care
8 center space. So, there's no new variances created.

9 MR. KATES: So from the Board's
10 standpoint, we're talking pure site plan review.

11 THE WITNESS: It is pure site plan review
12 unless you grant variances for pre-existing
13 conditions, if you go through that. If you don't, it
14 is purely site plan review. There are no variances at
15 all.

16 As for looking at the negative criteria, I don't
17 think there is anything negative from this. It
18 provides a public benefit. Day care centers are
19 considered inherently beneficial as well and are
20 actually mandated in non-residential zones by the
21 Municipal Land Use Law, provides a benefit to the
22 public. There's no impact, I think, on the
23 surrounding properties.

24 The properties behind it, there's office
25 buildings and then the residences. There's no access

1 from Rose Avenue to that, no access from the site.

2 There's fencing to screen that off as well.

3 Play area is provided on the property to satisfy
4 the needs of the day care center itself.

5 So, I don't believe there's anything negative at
6 all from what's being proposed.

7 The traffic conditions are dealt with so I
8 think, on balance, I think the variances, the site
9 plan approval can be granted as there are really no
10 variances needed.

11 Q Mr. Spatz, we're actually bringing parking
12 into conformity now that we're introducing the day
13 care facility?

14 A The day care center, from an ordinance
15 point of view, by factoring out the office space that
16 would be there, again pre-existing condition, the
17 building has functioned as it is. But, by, by pulling
18 out a component of it for day care center, it
19 actually, the site now actually conforms as where it
20 didn't before.

21 MR. ALAMPI: Thank you, Mr. Spatz.

22 MR. KATES: Are there residential uses in
23 close proximity to the site?

24 THE WITNESS: On the other side of Rose
25 Avenue and then on Charlotte Avenue as you get

1 further --

2 MR. KATES: Nothing touching the
3 boundaries of the property?

4 THE WITNESS: No. This is the back of the
5 -- there's residential uses that are, I think, I think
6 that's Arthur over here. There's a steep drop from
7 here. The properties that touch on our, on our site
8 that would be -- yeah, on Arthur, I think Lot 5
9 actually touches on our property but there is no
10 access to it at all.

11 And, then, this is the parking lot for the
12 office building that's on Sylvan Avenue.

13 MR. KATES: Lot 5 is residential?

14 THE WITNESS: It is a residential
15 property. The zone boundary here. It is residential
16 but, as I said, there's no physical access from our
17 side to the others. There's a fence and then a drop
18 off to the properties that are residential properties.

19 MR. KATES: Is everything, in effect, in
20 your opinion, to open playground, there's nothing
21 wrong with children laughing and playing but, to the
22 extent it's adjacent to a home, is there anything
23 negative?

24 THE WITNESS: No. Again, it's during the
25 day. It's not a nighttime activity that might have an

1 impact on sleeping or bothering people. It doesn't
2 start that early in the morning or wake people up.

3 The play area itself is screened in and then
4 there's screening on the property line that I think
5 will help reduce the noise. The kids don't come and
6 go directly outside anyway. It's later in the day
7 anyway. So, it's neither going to wake people up or I
8 think effect their sleep in the afternoon because the
9 kids are all home.

10 MR. S. KIM: Do you expect all the
11 traffic, major traffic, drop off of all the kids, the
12 building and they approaching from the Sylvan Avenue
13 or where do you expect? Where are they coming from?

14 THE WITNESS: I think the majority of
15 people will be coming from Sylvan Avenue because the
16 facility, I think, will certainly serve the offices,
17 both the ones directly next to it as well as up and
18 down Sylvan Avenue.

19 So, I think they will be coming down Sylvan into
20 Charlotte, dropping the kids back off and then back
21 out onto Sylvan Avenue, whether going to New York
22 City, Fort Lee or to the many office buildings in
23 Englewood Cliffs.

24 I think very, very limited traffic will be
25 coming from the west on Charlotte.

1 MR. S. KIM: Meaning that the youngsters
2 in that day care center is coming from maybe outside,
3 maybe youngsters in the residents of the Englewood
4 Cliffs, you know, maybe half of it is not going to
5 come from Sylvan Avenue, they coming from all the
6 local streets down there.

7 My concern is and the traffic, the traffic
8 engineer explained that but Charlotte is in rush hour
9 and, you know, they come in the Upper School. And,
10 that road is very, very severe from 8:00 to 8:30.

11 THE WITNESS: Again, I'll rely on the
12 testimony of the traffic engineer that he was out
13 there and did counts and didn't see that kind of a
14 backup.

15 But, again, I think, primarily, they will be
16 coming in from Sylvan coming into the site. It's not
17 as if they're dropping kids off on Charlotte. There
18 is no drop off area there.

19 They will be coming off the street, onto the
20 site, dropping kids off. That will take a few
21 minutes, then back out and then come out. So, there's
22 no backing out. The impact will be on the property
23 itself.

24 If cars can't get out because of traffic on
25 Charlotte, they'll be stacking up on the site.

1 But, I think, because, again, the public school
2 has a very finite drop off time and pick up time in
3 the afternoon whereas the day care center is staggered
4 throughout the day. In fact a large component is half
5 day which they will, should be almost no traffic out
6 on the street at that time.

7 So, I think that, because of that timing of it,
8 I think there will be a very limited impact.

9 MR. S. KIM: Thank you.

10 CHAIRMAN FEHRE: Any other questions?

11 MR. CHINMAN: I have one question. I
12 don't know if it's of this witness but, is it possible
13 for the fence that you're putting between the barrier
14 of the residential and the children, is there any type
15 of noise reduction that you could -- I don't know.
16 I'm not an engineer.

17 MR. COLLAZUOL: If I could answer that
18 question. The fence itself is sound resilient.
19 There's an air gap.

20 MR. CHINMAN: Sometimes you put some sort
21 of special fence when HVAC is on the roof. We have
22 done that to reduce the sound for the benefit of a
23 neighbor.

24 MR. COLLAZUOL: That's usually a Styrofoam
25 lining inside, yeah.

1 I mean, it doesn't appear to be warranted
2 because this site is higher than any of the
3 residential sites by probably two stories.

4 MR. CHINMAN: Okay.

5 CHAIRMAN FEHRE: Okay. If there are no
6 further questions for this witness, do you have any
7 other witnesses or is that it?

8 MR. ALAMPI: Those are all the witnesses
9 we have.

10 CHAIRMAN FEHRE: I would like to have a
11 motion to open up the meeting to the public.

12 MR. CHINMAN: So move.

13 CHAIRMAN FEHRE: Second.

14 MR. KILMARTIN: Second.

15 CHAIRMAN FEHRE: All in favor?

16 (Aye)

17 Okay. Is there anybody from the public that
18 would like to be heard on this application?

19 Yes. Please come forward.

20 MS. SARAYDARIAN: Marianne Saraydarian.

21 MR. KATES: Raise your right hand.

22 Do you swear the testimony you're about to give
23 this Board shall be the truth.

24 MS. SARAYDARIAN: Yes, sir.

25 MR. KATES: Please spell your last name.

1 MS. SARAYDARIAN: S A R A Y D A R I A N.
2 I live at Lot No. 5, 315 Arthur Avenue, right behind
3 you guys. That beige fence is my fence.

4 I want to know, are they going to put a second
5 fence against my fence? Is there going to be -- they
6 going to use my fence?

7 MR. KATES: We'll get an answer for you.
8 Is that your question?

9 MS. SARAYDARIAN: Do these kind of fences,
10 are they going to be a buffer?

11 MR. KATES: Let's get it defined, if we
12 can.

13 MS. SARAYDARIAN: Yeah.

14 MR. ALAMPI: Steve.

15 MR. COLLAZUOL: Certainly.

16 The owner of Lot 5 has a fence that traverses
17 the terminus of --

18 MS. SARAYDARIAN: That's my fence. Yeah.

19 MR. CHINMAN: Could you let her see?

20 MR. ALAMPI: Ma'am, you could come up.

21 MR. COLLAZUOL: Your property abuts --

22 MS. SARAYDARIAN: Yes.

23 MR. COLLAZUOL: Most of Rose Road and just
24 a small section --

25 MS. SARAYDARIAN: Yes.

1 MR. COLLAZUOL: Of the, our property.
2 And, it's about 15 or 20 feet at the most.

3 You have a fence. You have a very nice, brown
4 fence about 6 foot in height. We're not planning on
5 touching that whatsoever. We're not planning on doing
6 anything until beyond your property line. Then we're
7 putting a fence in.

8 MS. SARAYDARIAN: There will be a privacy
9 fence?

10 MR. COLLAZUOL: Yes.

11 MS. SARAYDARIAN: Not a chain link.

12 MR. COLLAZUOL: It will be much the same
13 as what you have.

14 MS. SARAYDARIAN: That's fair.

15 Am I allowed to ask? Is there any entrance onto
16 Rose or would Rose be used at all for people to --

17 Will they come in on Rose and they go back on
18 the property or will they make U-turns on Rose?

19 MR. COLLAZUOL: Right now Rose Road does
20 serve as an entrance to the site.

21 MS. SARAYDARIAN: Then how do they turn
22 around?

23 MR. COLLAZUOL: Now, what is happening,
24 the playground is going to be placed in the rear.

25 MS. SARAYDARIAN: Yeah.

1 MR. COLLAZUOL: So, people will be able to
2 continue on to the site from Rose Road but fewer cars.

3 MS. SARAYDARIAN: Yeah but when they get
4 onto Rose, how do they get out of Rose?

5 MR. ALAMPI: They park.

6 MR. COLLAZUOL: They turn out of Rose.

7 MS. SARAYDARIAN: They will have to make a
8 u-turn.

9 MR. COLLAZUOL: Turn around on-site.

10 MS. SARAYDARIAN: Yeah. And then come up
11 Rose?

12 MR. COLLAZUOL: Yes, just like they do
13 now.

14 MS. SARAYDARIAN: Yeah.

15 MR. COLLAZUOL: They're not changing that.

16 MS. SARAYDARIAN: It's going to be -- I
17 don't see -- he said he had it figured out 10 cars for
18 6 minutes to take two children out of a car with the
19 car seats and the blankets and get them into the
20 building and put them where they're supposed to go and
21 get them out again is not 6 minutes.

22 I'm 73 years old. When I was 37, I couldn't do
23 that.

24 So, I don't know how he's figuring this
25 automatic procession of parents.

1 And, I think 6:30 maybe they will be done
2 because there will be less parents going to work at
3 7:30. But, at 8:00, when everybody has to go to work
4 at 9:00, there's going to be a parade of cars. And,
5 it's going to be a little bit not automatic the way he
6 said.

7 But, if they're coming in on Charlotte, on the
8 east side, they can be -- there's more space for them
9 to do it.

10 But, Rose is very narrow and to make a U-turn or
11 to go on the property and then back out and then come
12 back up Rose is very difficult.

13 We have lived there for 30 years. And, I've
14 gone on Rose, I have walked on Rose. And, I don't
15 know, one, two, three sounds good but if there's more
16 than five cars or six cars and someone is waiting and
17 their kid is crying and they can't get out in 6
18 minutes, there has to be a solution. I don't know if
19 that's going to work out that well.

20 And, and if there's snow, like we had last
21 winter, I think it's going to be even more tedious.

22 Right now everything is fine. You can go and
23 come the way you want. But, if it was last winter,
24 there's going to be a lot of pile ups and a lot of
25 trouble there.

1 And, that's all, just the fence which is fine.

2 But, I think Rose is, and parking is going to be
3 a problem.

4 Thank you.

5 MR. KILMARTIN: Thank you.

6 CHAIRMAN FEHRE: Yes, Mrs. O'Shea.

7 MRS. O'SHEA: Mary O'Shea, 12 Irving
8 Avenue.

9 MR. KATES: Do you swear the testimony
10 you're about to give this Board shall be the truth, so
11 help you God.

12 MRS. O'SHEA: Yes.

13 My question is regarding the buffer.

14 I understand that the building is pre-existing
15 and the impervious coverage is pre-existing.

16 But, I was wondering if the playground use, even
17 though it's impervious, has a higher intensity of use
18 than it had previously as just parking spaces. And,
19 if so, would there be a greater requirement for a
20 buffer from the play area to the residents at lot No.
21 5.

22 So, basically, I'm talking about the northeast
23 corner of Lot 5 to the southwest corner of the play
24 area.

25 MR. KATES: Mr. Collazuol, can you answer

1 that?

2 MR. COLLAZUOL: The location of the
3 playground is not within the proximity to Lot 5 and
4 not effecting any changes within the adjoining
5 property.

6 So, providing this playground area is facing and
7 adjoining the commercial avenue, so I don't see a need
8 for the buffer for the playground area.

9 MRS. O'SHEA: If you, if you were to take
10 a compass and draw a circle from the corner, the
11 southwest corner of the play area, how far is it going
12 to be when it hits the northeast corner of Lot 5?

13 MR. COLLAZUOL: It appears to be around 25
14 feet.

15 MRS. O'SHEA: 25 feet?

16 MR. COLLAZUOL: Yeah.

17 MRS. O'SHEA: From that?

18 MR. COLLAZUOL: To that property.

19 MRS. O'SHEA: Right. It's like when you
20 got to say everybody within 200 feet, they go in a
21 circle. So, I want to make a circle from the corner
22 of the back corner of the property to the corner of
23 Mrs. Saraydarian's property.

24 MR. COLLAZUOL: It would probably just
25 touch the circle.

1 MRS. O'SHEA: How much?

2 MR. COLLAZUOL: The outer circle of your
3 radius, it would just then touch the corner of the
4 property.

5 MRS. O'SHEA: How far is it? You're
6 saying 25 feet?

7 MR. COLLAZUOL: Approximately.

8 MRS. O'SHEA: 25 feet?

9 Should there be some type of a buffer in that,
10 for that space when you have a 50 foot requirement of
11 a buffer on this zone to a residential property?

12 I'm asking the Board that.

13 MR. CHINMAN: Their isn't one right now.

14 MRS. O'SHEA: No, I know but --

15 MR. CHINMAN: It's a non-conforming use.

16 MRS. O'SHEA: It was a pre-existing
17 parking lot.

18 But, I'm saying now that it's a play area, the
19 grade is changing, the surface is changing, the
20 intensity of the use is changing.

21 MR. KATES: It's an interesting point.

22 David, could you come forward again?

23 To put a, to put an improvement in the parking
24 area, does that raise the issue of a 50 foot buffer
25 again?

1 MR. SPATZ: No, because it's, it's not a
2 structure, it's part of -- it's within the parking
3 lot. There's 25 feet. And, you have a buffer, you
4 have -- the fence is screening that.

5 There's more, there's more noise and effect on
6 Lot 5 from, from the parking lot of the office
7 building that's here. The cars are parking right back
8 up against that property line.

9 Near the play area is, as Mr., as Steve said,
10 it's at least 25 feet from the corner there.

11 MR. KATES: What's the nature of the play
12 area?

13 It is a structure, isn't it?

14 MR. COLLAZUOL: It starts off on-grade at
15 that area.

16 MR. SPATZ: Right.

17 MR. COLLAZUOL: It's not being raised in
18 that area.

19 MR. SPATZ: Right. It's flat on it. It's
20 just a couple different surfaces. There's some play
21 equipment and a covering over it that, you know, so
22 that the kids can go out there in inclement weather.

23 MR. KATES: It's a structure definition,
24 isn't it?

25 MR. COLLAZUOL: No.

1 MR. CHINMAN: What kind of cover is that?

2 MR. COLLAZUOL: Each playground climbing
3 apparatus has a little canopy on it.

4 MR. CHINMAN: It's not the whole?

5 MR. COLLAZUOL: No.

6 MR. SPATZ: Just covering that.

7 MR. KATES: It seems to me, to be safe,
8 that you should be asking for a variance from the 50
9 foot buffer requirement based upon, concerning a
10 structure that doesn't previously exist.

11 I just think that's common sense.

12 MR. ALAMPI: I don't believe it to be a
13 structure.

14 CHAIRMAN FEHRE: Well, strictly speaking,
15 a buffer is supposed to be landscaping and/or woods.
16 Right? It's certainly neither one of those.

17 When you say 50 foot buffer, all that should be
18 completely landscaped. No pavement, no cars, nothing.

19 MR. SPATZ: Well, you know, first of all,
20 whether there's a need for a buffer or not, I think
21 the fencing is buffer. But, there is a substantial
22 distance there.

23 If we were to put a buffer there, we would be
24 eliminating parking. And, if the question is, is
25 there sufficient parking on the site to eliminate

1 three or four more spaces it would have a negative
2 impact on the property. So, the buffer is not needed
3 and it would create, I think, more of a detriment to
4 the site and to the street, the transportation on Rose
5 and Charlotte than, than the benefit any benefit from
6 a buffer at all.

7 MR. KATES: The fence is the neighbor's
8 fence?

9 MR. SPATZ: The neighbor's fence, goes --
10 here is where Lot 5 goes. So, the neighbor's fence
11 probably goes to maybe this spot, maybe the edge of
12 what is three and then our fence is going to pick up
13 from that point there.

14 So it is a totally continuous fence along there,
15 an existing fence and then the new fence, our new
16 fence, that's going to be created there, that's
17 buffering, both in terms of size and sound, noise,
18 from the adjacent properties.

19 And, again, I think a buffer would have a
20 greater negative impact than the parking.

21 MR. KATES: So I understand your
22 testimony, you're saying, if in fact a 50 foot buffer
23 is required, the fence serves that purpose?

24 MR. SPATZ: The fence serves the purpose
25 of buffering and eliminating parking to provide the

1 buffer, I think would have a negative impact.

2 MR. KATES: Because you have essential a
3 commercial lot abutting a residential lot and
4 that's --

5 MR. SPATZ: Which, again, the lack of
6 buffer, I think would, to some extent would be a
7 pre-existing condition as well.

8 There's no buffer that currently exists for the
9 parking lot that's, that's there now.

10 MR. ALAMPI: And for that 20 feet.

11 MR. SPATZ: Excuse me?

12 MR. ALAMPI: And, for that 20 feet.

13 MR. SPATZ: And for that area.

14 MR. ALAMPI: What -- Mr. Chairman,
15 Counsel, if, you know, the Board so desires, I think
16 we can extend our fence that we're proposing to meet
17 up to that property owner's fence.

18 MR. COLLAZUOL: Yeah.

19 MR. ALAMPI: Is that accurate?

20 MR. COLLAZUOL: Yes.

21 MR. SPATZ: Yeah. I think it does. Yeah.

22 MR. ALAMPI: We believe that we start
23 pretty much --

24 MR. SPATZ: Right. I mean, that's
25 something we can verify and make sure that the two

1 fences meet up so that there is a continuous visual
2 and sound screening as well.

3 MR. CHINMAN: I have a question. I'm
4 sorry.

5 Just to get back to your neighbors, wanting to
6 be a good neighbor, one of her points was that, is it
7 possible to limit the parking on the, on the side to
8 only offices and not the day care? So that way, she's
9 not going to have as much traffic on that street.

10 MR. SPATZ: Well, I mean there's like a
11 two-story drop down.

12 MR. CHINMAN: I'm talking about the Rose
13 Avenue side, if that parking was just dedicated to the
14 office tenants only and that way there would be maybe
15 less pulling in and pulling out.

16 The whole side of Rose. There's a lot of
17 parking on the Rose side. Parking on the other side
18 as well. There's two different lots.

19 MR. SPATZ: I mean if you, if you
20 designated the parking.

21 MR. CHINMAN: I'm not talking about, I'm
22 not talking about the fence anymore. I'm talking
23 about --

24 MR. SPATZ: Right. No. Right. If you
25 designated these parking spaces -- these could be

1 designated for the office and these here, there's no
2 U-turn. Cars will pull in, they back out and then
3 head right out onto Charlotte. So, they're not
4 impacting that in any way.

5 You know, I don't think these are either. But,
6 if you wanted to have those designated just for the
7 office use and maybe the drop off --

8 MR. ALAMPI: Those four spaces along the
9 rear yard.

10 MR. SPATZ: It's -- that could easily be
11 done.

12 MR. ALAMPI: We could designate those for
13 office use.

14 MR. SPATZ: Or employee parking for the
15 day care center, they will be parked there and be
16 there all day. That's certainly something that can be
17 done.

18 MR. KILMARTIN: I have another question.
19 And, it might be for the property owner or both.

20 Given the difference in the topography, is the
21 property owner, from her property, going to be able to
22 see any part of this playground or she'll still see
23 what she sees now which is the top half the building?

24 MR. COLLAZUOL: That's correct.

25 CHAIRMAN FEHRE: The second floor of

1 her --

2 MR. KILMARTIN: Do you think that would be
3 fair to say.

4 MRS. SARAYDARIAN: One question. Are they
5 going to clean out all that woods and all that garbage
6 that's there now at the end of Rose, the dead trees
7 there, branches, the landscaping wise?

8 MR. SPATZ: What's within our property and
9 that's not --

10 MRS. SARAYDARIAN: The end of Rose. You
11 won't want to have it that way.

12 MR. ALAMPI: It's not ours.

13 MR. SPATZ: It's town, it's Borough
14 property.

15 MRS. SARAYDARIAN: What I'm concerned
16 about --

17 MR. ALAMPI: It's the town's property,
18 ma'am.

19 MRS. SARAYDARIAN: Well, what I'm
20 concerned about, there are cars parked there now,
21 which is fine. But, I really feel that road is so
22 narrow for people to pull out and pull in, they're
23 imagining that people --

24 What if 8:00 you're going to have much more
25 traffic than 6:00 or the 7:00 or the 11:00.

1 What happens when 10 parents come at 8:00 and
2 they are waiting on Sylvan and the guy is backing out
3 and the other guy is pulling in?

4 I think Rose is a difficult place to have
5 entrance and egress. It's, it's -- the Charlotte side
6 is better.

7 MR. KILMARTIN: My question to you, ma'am,
8 was, was whether you are going to see this playground
9 at all from your property.

10 MRS. SARAYDARIAN: It might be.

11 MR. KILMARTIN: Maybe, maybe not.

12 MRS. SARAYDARIAN: Yeah. I'm not going to
13 go crazy over something like that. Children are
14 children. It's okay.

15 My husband is 81, though. I don't want like
16 6:30 in the morning there are going to be cars
17 slamming and whatever. That bothers me but I'll --
18 whatever.

19 But, I'm worried more about for them, too. They
20 don't realize that Rose, if there's snow -- Rose is
21 very narrow and it's hard to get in and out of there.
22 And, if you can't go around -- right now they go
23 around because it's open in the back of the building.

24 MR. KILMARTIN: They can't go through
25 anymore.

1 MRS. SARAYDARIAN: If they can't go
2 through, it's going to be -- you can measure all you
3 want, I'm telling you what it is.

4 MR. KILMARTIN: The question of the buffer
5 benefits you in terms of what you see or what you
6 hear. That's what I'm trying to ask you about.

7 So, you're not too worried about that?

8 MRS. SARAYDARIAN: Yeah. I...

9 MR. KILMARTIN: Well, now is your time.

10 MRS. SARAYDARIAN: I don't argue.

11 There should be. We can't change the rules if
12 it is what it is. If it's supposed to be 50 feet, it
13 should be 50 feet.

14 But, there's no parking against that fence
15 anyway. This way, the parking is all this way along
16 the side of the building.

17 MR. KILMARTIN: Yeah. But, the aspect of
18 your backyard that is effected by this property is
19 relatively narrow.

20 MRS. SARAYDARIAN: But, we, we could see
21 all of it. I see all of it.

22 There's a wire fence now. If they're going to
23 make that a privacy fence, that's okay, too.

24 MR. KILMARTIN: Okay. So is there
25 anything else that you think should go in that 15 or

1 20 foot section that would help you?

2 MRS. SARAYDARIAN: What would I want?

3 MR. KILMARTIN: I'm asking you. You've
4 already got a fence there.

5 MRS. SARAYDARIAN: They're going to use my
6 fence, part of my fence? Are you going to go on top
7 of my fence?

8 MR. ALAMPI: We're leaving your fence.
9 We're not touching your fence.

10 MRS. SARAYDARIAN: I'm not like that. I
11 don't know.

12 Are you going to continue from the fence?

13 MR. ALAMPI: From your fence over toward
14 Sylvan.

15 MRS. SARAYDARIAN: Part of my fence is
16 facing Rose. Let's say part of my fence is on the
17 back of that property.

18 MR. ALAMPI: I'm not touching any of the
19 fence that exists there that is yours.

20 Next to your fence, we're going to continue the
21 fence.

22 MRS. SARAYDARIAN: But, part of my fence
23 will be facing your property?

24 MR. ALAMPI: Yes. That's how it exists.

25 MRS. SARAYDARIAN: Yeah. If the car goes

1 down there and slips, it will hit my fence.

2 MR. ALAMPI: And, we will absolutely make
3 sure that it gets fixed.

4 MRS. SARAYDARIAN: I'm all right. If
5 they're all right, I'm all right. I'm know what
6 you're asking and I should -- what should I ask?

7 MRS. O'SHEA: All I was -- I was concerned
8 about the buffer for her. Okay.

9 And, if there was a covered play area, like, you
10 know, like a canopy cover versus I think what Mr.
11 Chinman is saying is like a play set with a little
12 picnic box on the top, you know, you know, that's one
13 thing. But, a large canopy to create shade for
14 children is a much more...

15 MR. KILMARTIN: Structure esque.

16 MRS. SARAYDARIAN: And, there's no
17 shrubbery at all against the fence, no tree or
18 nothing?

19 MR. ALAMPI: No.

20 MRS. SARAYDARIAN: No tree that could grow
21 above the fence maybe?

22 MR. ALAMPI: No.

23 MRS. O'SHEA: Would it be possible to
24 double the fence so she wouldn't be concerned about
25 the cars backing into her fence, you take your fence

1 to go right across the property?

2 MR. ALAMPI: In front of her fence?

3 MRS. O'SHEA: Yeah. Yeah. That way, if
4 the cars back into the fence, they won't be backing
5 into her fence. Putting a space in between also
6 creates a sound baffle.

7 MR. ALAMPI: I think that's just going to
8 collect garbage, personally. How far -- you want to
9 create like a one foot space between the two fences?

10 MRS. SARAYDARIAN: No. It's all right.
11 It's all right.

12 MR. CHINMAN: I'm sure the landlord there
13 will maintain that fence?

14 MR. ALAMPI: We're absolutely going to
15 maintain it, you know.

16 MR. CHINMAN: Back to that. I mean, so
17 far we have said that in the spots 1, 2, 3, 4, 34, 35
18 and that side, none of those -- those are all going to
19 be designated for office?

20 MR. ALAMPI: 1, 2, 3 and 4 along the rear
21 property line are designated for office.

22 MR. CHINMAN: I don't see why you can't do
23 that whole -- anyone pulling in or pulling out, that
24 should be office.

25 Right?

1 MR. SPATZ: We could make it all employee
2 parking.

3 MR. ALAMPI: Yeah. We can make that
4 section office and employee parking.

5 MR. CHINMAN: Okay. I mean, I would think
6 that all the -- I mean, if the office is taking so
7 much parking and the child care takes up very little,
8 I would think all of the child should go on the one
9 side, in and out of Charlotte, and leave that just for
10 office which would be less use and less backing up in
11 and out.

12 MR. SPATZ: I think these spaces are, you
13 know, are limited use for the day care center just for
14 the kids that would be coming in the front. I think
15 this is going to be the primary use directly off of
16 Charlotte also.

17 MR. CHINMAN: If you're parking in those
18 first spaces, there's no walkway, you have to walk,
19 you have to walk --

20 MR. SPATZ: Along the sidewalk and then
21 into the front. Right.

22 MR. CHINMAN: I know.

23 MR. SPATZ: Right.

24 MR. SURACE: If you make the teachers, the
25 teachers could park over there. This way they

1 wouldn't go in and out.

2 MR. CHINMAN: That's fine, too.

3 MR. ALAMPI: That's what we're going to
4 do.

5 MR. KATES: Four spaces you said.

6 MR. ALAMPI: 1, 2, 3 and 4 four.

7 And, what's the other numbers, Dave?

8 MR. SPATZ: 32 through 36.

9 MR. ALAMPI: 32 through 36.

10 MR. SURACE: Designate for the teachers.

11 MR. ALAMPI: 31.

12 MR. SPATZ: 31 is over here. It's
13 actually 32 through 36.

14 MR. KATES: That's five spaces.

15 MR. CHINMAN: On this plan it says
16 different.

17 MR. MIRANDI: There's a new plan that we
18 don't have.

19 MR. KATES: There's a new plan that we
20 don't have.

21 MR. MIRANDI: Right.

22 MR. KATES: We don't have that.

23 MR. COLLAZUOL: That's the one that's just
24 numbered differently.

25 MR. SPATZ: Because of the colorizing.

1 MR. COLLAZUOL: No. 28.

2 MR. SPATZ: Right. Yeah. They just
3 changed the numbering system.

4 MR. KATES: Let's go back just for a
5 moment because we marked, as A-2, I thought, just the
6 colorized sheet that's on the easel now.

7 MR. ALAMPI: Correct.

8 MR. KATES: And that has a revision date
9 of what?

10 MR. ALAMPI: April 10th.

11 MR. KATES: All other drawings are pre
12 filed.

13 MR. ALAMPI: Correct.

14 MR. KATES: No revision.

15 MR. ALAMPI: Correct. And, I will submit
16 the April 10th sheet.

17 MR. KATES: All right.

18 CHAIRMAN FEHRE: Anybody else from the
19 public that would like to be heard on this
20 application?

21 Okay. Then I ask for a motion to close to the
22 meeting to the public.

23 MR. CHINMAN: Motion.

24 MR. SURACE: Second.

25 CHAIRMAN FEHRE: All in favor.

1 (Aye)

2 CHAIRMAN FEHRE: Okay. Then can I have a
3 motion on this application?

4 Would anybody like to make a motion?

5 MR. CHINMAN: Okay. I make a motion. I
6 make a motion to approve it subject to all those spots
7 in that cul-de-sac not being used, for only employee
8 parking, that the, we're talking about the garbage,
9 the shared garbage is going to be, I guess, picked up
10 through the adjacent property.

11 MR. KATES: There will be a reciprocity
12 agreement with respect to the dumpster.

13 MR. CHINMAN: Okay.

14 MR. KATES: I have also that there will be
15 a revised plan to comply with Mr. Mirandi's comments.

16 That the fence will be extended to meet the
17 property owner's adjacent fence.

18 MR. CHINMAN: The property owner will
19 maintain that fence?

20 MR. KATES: And that we're going to set
21 aside spaces 32 to 36, totaling five spaces, for
22 employee parking for the day care and the offices and
23 office parking.

24 MR. CHINMAN: Not day care.

25 MR. KATES: The day care employees and the

1 office.

2 MR. CHINMAN: It's more than five spaces.

3 MR. MIRANDI: It was 1 through 4 also.

4 MR. ALAMPI: 1 through 4 and 32 through
5 36.

6 MR. KATES: That's 9 spaces.

7 MR. ALAMPI: 9 spaces.

8 MR. CHINMAN: A total of 9 spaces.

9 MR. KATES: You need a second, Mr.

10 Chairman.

11 CHAIRMAN FEHRE: Second?

12 MR. S. KIM: I second.

13 CHAIRMAN FEHRE: Second.

14 MR. S. KIM: I second.

15 MS. SCANCARELLA: Mr. Kim.

16 Roll call?

17 CHAIRMAN FEHRE: Roll call.

18 MS. SCANCARELLA: Chairman Fehre.

19 CHAIRMAN FEHRE: Yes.

20 MS. SCANCARELLA: Mr. Chinman.

21 MR. CHINMAN: Yes.

22 MS. SCANCARELLA: Mr. Kilmartin.

23 MR. KILMARTIN: No.

24 MS. SCANCARELLA: Mr. Kiki Kim.

25 MR. K. KIM: Yes.

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MS. SCANCARELLA: Mr. Surace.

MR. SURACE: Yes.

MS. SCANCARELLA: And Mr. Sean Kim.

MR. S. KIM: Yes.

MS. SCANCARELLA: 1, 2, 3, 4, 5. Five
yeses and one no.

MR. KATES: You have your approval.

MR. ALAMPI: Thank you, Counsel. Thank
you, Board.

(The hearing concludes at 9:23 p.m.)

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C E R T I F I C A T E

I CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as reported stenographically by me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney or counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

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ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

**IN THE MATTER OF THE APPLICATION OF ALL-PRO :
MOTORS, LLC / MICHAEL SAPORITO FOR A USE : MEMORIALIZATION RESOLUTION
VARIANCE AND SITE PLAN APPROVAL RELATING : APPLICATION NO. 227K
TO LOT 18, BLOCK 411, 380 SYLVAN AVENUE :**

WHEREAS, ALL-PRO MOTORS, LLC / MICHAEL SAPORITO applied on or about February 6, 2014 to the Planning Board of the Borough of Englewood Cliffs for a use variance and amended site plan approval for a building addition and alterations including proposed canopy, vestibule and reception areas, showroom, new vehicle delivery, vehicle reception and service department, new signage¹, together with site improvements including drainage improvements, retaining wall, guide rails enclosure for used tire storage and trash, pavement repair, striping and fencing, in the "B-2 Limited Business" district; and

WHEREAS, a public hearing was conducted on March 25, 2014, 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 07024; and

WHEREAS, interdepartmental communications and advisory reports of municipal departments and agencies were received as follows:

¹ Applicant withdrew signage from these proceedings and will seek approval from the Planning Board at a later time.

- Denial letter of Paul Renaud, Construction/Zoning Official, dated January 6, 2014, for reasons stated therein;
- Review letter of the Board's consulting engineer, Bernard N. Mirandi, P.E., of Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606, dated March 24, 2014; and

WHEREAS, admitted the following exhibits were into evidence:

Exhibit A-1 – Architectural Plans prepared by Dennis R. Connell, RA, 715 North New Street, Bethlehem, PA 18018, dated July 12, 2013, consisting of three sheets, as follows:

- Sheet A1 – Overall First Floor Plan with latest revision August 28, 2013;**
- Sheet A2 – Overall Second Floor Plan, with latest revision August 28, 2013;**
- and**
- Sheet A3 – Exterior Elevations;**

Exhibit A-2 Preliminary and Final Site Plan prepared by William R. Vogt, Jr., P.E. of L2A Land Design, LLC, 60 Grand Avenue, Englewood, NJ 07631, dated November 12, 2013, consisting of nine sheets, as follows:

- Sheet C-01 – Cover Sheet;**
- Sheet C-02 – Demolition Plan;**
- Sheet C-03 – Site Plan;**
- Sheet C-04 – Grading, Drainage & Utility Plan;**
- Sheet C-05 – Lighting & Landscape Plan;**
- Sheet C-06 – Soil Erosion and Sediment Control Plan;**
- Sheet C-07 – Details - 1;**
- Sheet C-08 – Details - 2; and**
- Sheet C-09 – Details - 3;**

Exhibit A-3 – Colorized Aerial Map;

Exhibit A-4 – Colorized Sheet C-03 entitled "Site Plan" of Preliminary and Final Site Plan prepared by William R. Vogt, Jr., P.E., dated November 12, 2013; and

WHEREAS, admitted into evidence without exhibit reference was Stormwater Management Report prepared by William R. Vogt, Jr., P.E., dated November 12, 2013; and

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WHEREAS, testimony in support of the application was given by applicant's site engineer, William R. Vogt, Jr., P.E., by applicant's Architect, Dennis R. Connell, RA and by Michael F. Kauker, P.P., Kauker & Kauker, LLC, 356 Franklin Avenue, Wyckoff, NJ 07481; and no member of the public questioned the witnesses or gave testimony; 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. The development application contemplates an expansion of the dealership. Since automobile dealerships are prohibited in the B-2 Limited Business District, it would require a use variance under N.J.S.A. 40:55D-70d(2). The expansion of a nonconforming use is subjected to less stringent criteria than if the use were first being introduced to the site. Thus, an applicant for a d(2) variance need not show that it would have been entitled to a variance for the initial nonconformity. Only the expansion is the focal point. The negative criteria are to be viewed with greater liberality because they are less likely to involve substantial impairment of the zoning plan than are applications for wholly new nonconforming uses.

2. Applicant also seeks to extend its showroom into the minimum front yard setback and to put parking into that front yard. According to the testimony of applicant's architect, Dennis R. Connell, who has multiple experiences with Cadillac dealerships, the proposed site improvements are mandated by Cadillac in its efforts to modernize its dealerships with both aesthetic and functional site improvements. The basic functional improvement is in the space provided to service customers, both in drop-off conveniences and in waiting for the completion of service to a vehicle.

3. The first floor addition is 7,400 sq ft, on a portion of the lot that does not implicate any zoning criteria. It relates to new vehicle deliveries and, separately, a vehicle reception area for service customers.

4. When All-Pro Motors purchased the property and the franchise, it gutted the interior of the building. These "add-ons" are the second phase of rehabilitating that dealership.

5. Applicant's planning expert, Michael F. Kauker, P.P., offered the following bases for d(2) variance relief:

- i. The improvement plan offers "special reasons" in meeting the planning objectives of N.J.S.A. 40:55D-2, subsections (a) "appropriate use of land . . . in a manner which will promote . . . the general welfare, (c) "provide adequate light, air and open space", (g) "provide sufficient space in appropriate locations . . .", and (i) "promote a desirable visual environment . . .
- ii. The plan offers distinctive architectural facade improvements.
- iii. The plan offers improved customer safety and service, which serves the general welfare.
- iv. The plan offers improved external and internal vehicular circulation.
- v. Impervious surfaces will be reduced.
- vi. As a corollary, the plan enhances landscaping.

In support of his position, Mr. Kauker cited Burbridge v. Mine Hill Tp. and Kingwood v. Board of Adjustment. In summary, the revised and revitalized business on this site makes this use a better fit within the B-2 Zone and the surrounding neighborhood, and the Board unanimously concurred.

6. The proposed front yard parking is substantially mitigated by the elevation of the property. It cannot be seen from the fronting highway. The canopy encroachment into the yard area is mitigated by its open, columnar design, substantially reducing its visual impact.

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

CONDITIONS SPECIFIC TO THE APPLICATION

- A. As set forth in the review letter of Fire Chief George Drimonos dated March 18, 2014.
- B. As set forth in review letter of Bernard N. Mirandi, P.E. dated March 24, 2014.

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GENERAL CONDITIONS

C. 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.

D. 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: MR. TROVATO

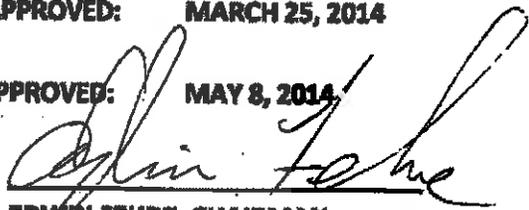
SECONDED BY: MR. SURACE

IN FAVOR: MS. TROVATO, MR. SURACE, MR. FEHRE, MR. CHINMAN, MR. KILMARTIN, MR. K. KIM and MR. DUFFY

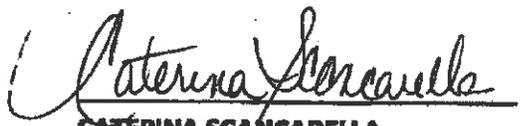
OPPOSED: NONE

DATE APPLICATION APPROVED: MARCH 25, 2014

DATE RESOLUTION APPROVED: MAY 8, 2014


**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

ATTEST:


**CATERINA SCANCARELLA
PLANNING BOARD SECRETARY**

ATED NUSSEMAN VAPOR
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ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF PATRICIA J. DEFILIPPIS FOR A USE VARIANCE RELATING TO : **MEMORIALIZATION RESOLUTION**
TO LOT 12, BLOCK 411, 36 SHERWOOD AVENUE : **APPLICATION NO. 228K**

WHEREAS, PATRICIA J. DEFILIPPIS applied on or about February 21, 2014 to the Planning Board of the Borough of Englewood Cliffs for a use variance (dormer height) to construct an addition to the subject single-family residence, in the "R-B Residential" District; and

WHEREAS, a public hearing was conducted on April 10, 2014, 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 represented herself; and

WHEREAS, interdepartmental communications and advisory reports of municipal departments and agencies were received as follows:

- Denial letter of Paul Renaud, Construction/Zoning Official, dated February 25, 2014, for reasons stated therein; and
- Letter of Joseph Iannaconi, Jr., Tax Collector/Treasurer dated February 21, 2014, certifying payment of taxes through the 1st quarter, 2014; and

WHEREAS, admitted into evidence without exhibit reference was Architectural Plans prepared by Glen A. Potter, AIA, P.P., and Thomas R. Potter, AIA, P.P. of Potter Architects, LLC, 410 Colonial Avenue, Union, NJ 08083, dated October 5, 2013, consisting of three sheets, as follows:

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Sheet 1 of 3 – Proposed Exterior Elevations, Site Plan / Zoning Information, with latest revision February 12, 2014;

Sheet 2 of 3 – Proposed Basement / Foundation Plan, Proposed Lower & Upper Level Floor Plan, with latest revision February 12, 2014; and

Sheet 3 of 3 – Existing Exterior Elevations, Existing Floor Plan with latest revision February 6, 2014; and

WHEREAS, testimony in support of the application was given by applicant, Patricia J. DeFilippis and Joseph Cioffi, of 48 Sherwood Avenue; 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. As part of a home expansion, applicant proposes to construct a second-story dormer that cannot be considered a "half-story". Although it meets the definitional requirement of "story, half" in Code Section 30-2 by having a headroom of not higher than five (5) feet, it does not meet the common definitional requirement of not exceeding three (3) feet at the intersection of the wall and roof above the floor level. See definition of "Story, Half" in The Latest Illustrated Book of Development Definitions, Moskowitz and Lindbloom, Center for Urban Policy Research (2007 Ed.)

2. The resulting third "full" story violates the height limitation by greater than 10% and thus implicates and required a height variance under N.J.S.A. 40:55D-70d(6).

3. The Board majority considered the additional height insignificant as it does not abut a residence but rather an office building in the rear.

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

GENERAL CONDITIONS

A This approval is subject to obtaining a building permit and any other State, County or Borough approvals if required.

B. All fees, costs, bonds and escrows shall be paid when due or becoming due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.

C. All representations made by applicants or their 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.

D. 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. SURACE

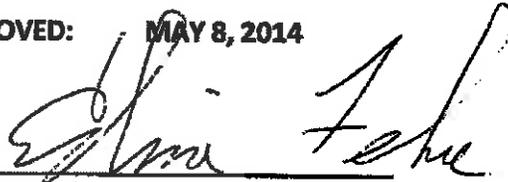
SECONDED BY: MR. KIM

IN FAVOR: MR. SURACE, MR. KIM, MR. FEHRE, MR. DOOLY and MR. DUFFY

OPPOSED: MR. KILMARTIN

DATE APPLICATION APPROVED: APRIL 10, 2014

DATE RESOLUTION APPROVED: MAY 8, 2014



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

ATTEST:



**CATERINA SCANCARELLA
PLANNING BOARD SECRETARY**

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



VIA FACSIMILE AND E-MAIL

April 10, 2014

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

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Commercial Site Plan Application
900-904 Sylvan Avenue
Block 1201, Lots 8 and 9.01
Our File No. ECES-1333

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 April 10, 2014, including a letter of transmittal from Schepisi & McLaughlin, P.A., dated March 17, 2014.
- B. Borough of Englewood Cliffs Certification of Property Owners within 200 Ft dated February 20, 2014.
- C. Engineering Plans (12 sheets) entitled, "Proposed Guard Booth Relocation Project, Block 1201, Lots 8 and 9.01, Borough of Englewood Cliffs, Bergen County, New Jersey," as prepared by Neglia Engineering Associates, dated February 4, 2014, last revised March 3, 2014 and consisting of the following:

<u>Sheet No.</u>	<u>Description</u>
1.00	Cover Sheet
2.00	Site Demolition Plan
3.00	Overall Site Plan and Zoning Analysis
3.01-3.03	Site Improvements Plans
4.01-4.03	Grading, Drainage, Utilities, and Erosion Control Plan
5.00	Lighting and Landscape Plan
6.00-6.01	Construction Details

- D. Drainage calculations dated March 3, 2014 as prepared by Neglia Engineering.
- E. Architectural Plans have not been received.
- F. Borough of Englewood Cliffs letter of Denial from the Zoning Officer, dated February 11, 2014.
- G. Property Survey (2 sheets), one entitled "ALTA/ACSM Land Title Survey," dated February 25, 2014, last revised March 2, 2013, and the other entitled "Partial Topographic Survey," dated November 4, 2013, both prepared by Neglia Engineering.
- H. Letter from the Englewood Cliffs Fire Department Chief dated March 24, 2014.
- I. Memorandum from the Englewood Cliffs Police Department Traffic Bureau, dated March 24, 2014.

Based on our review of the above information, we offer the following comments:

General

1. The Owner/Applicant in this matter is:
NBC Universal Media, LLC
900 Sylvan Avenue
Englewood Cliffs, NJ 07632

The Applicant/Owner should notify the Board of any change in the above referenced information.
2. Block 1201, Lots 8 and 9.01 (the "Site") is 957,803 square feet (sf) (21.488 acres) in area and is located on the westerly side of Sylvan Avenue, approximately mid-block between Sage Road and Hollywood Avenue.
3. The existing site contains one (1) 2-story and one (1) 3-story steel framed office building. The lot is located in the B-2 Limited Business Zone District.
4. The Applicant proposes relocation of the two (2) existing guard booths. Also proposed are site improvements including drainage improvements, retaining wall barrier, a decorative black bar, six (6') feet high aluminum fence in the front yard, replace the 3 flagpole set, parking space reconfiguration, new sidewalk and ADA curb ramps, striping and a six (6') foot black vinyl coated chain link fence in the rear and side yards.

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.
 - b. For proposals for the construction of any commercial or industrial development proposal of one thousand (1,000) square feet of land or more, the site plan shall show storage areas for the required recyclable materials along with screening and description of containers for recyclable material.
 - c. Where applicable, the following information shall be provided:
 - Number of employees.
 - 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, governmental and corporate offices are considered principal permitted uses in the B-2 District (Limited Business) Zone (§30-5.5) including laboratory and research facilities, and house of worship. A Use Variance is not required.

Variances/Waivers

7. The Applicant is requesting variances summarized as follows:
- a. Minimum Accessory Structure Setback, §30-7.2.a.4 does not allow accessory structures in the front yard. The new easterly guard booth is proposed to be further away from the property line than the existing guard booth, i.e. 100.9 ft. proposed and 99.5 ft. existing.
 - b. Minimum Rear Yard Setback, §30-6.1- Schedule A requires a 74.6 feet (20% of lot depth) rear yard setback on the rear yard whereas, the existing non-conformity of 55.5 ft. is proposed to remain.
 - c. Parking Space number, §30-10.1 (Allows 1 space/200 sq. ft. of floor area. The Applicant proposes to reduce the existing 941 spaces (1 space/386 sq. ft.) to 909 spaces (1 space/399 sq. ft.).

- d. Parking Space Dimensions: 9 ft x 19 ft required (§30-10.2.a.), 9 feet by 18 feet proposed.
- e. Aisle Width: 90 Degree Parking Aisle Width, 25 ft required (§30-10.2.b.), whereas aisle width dimensions are existing and proposed at 24 ft.

The Applicant shall be prepared to provide testimony demonstrating satisfaction of the positive and negative criteria for the MLUL Sections 70c(1) – ‘Hardship Variance’ and c(2) – ‘Flexible Variance’ (Substantial Benefit).

Stormwater Management

8. The Applicant proposes to remove some existing on-site storm inlets and associated piping and construct new inlets, with bicycle safe grates and NJDEP ECO safe curb pieces. We take no exception to the drainage provisions for the project. However, our hydrology department suggests that the sizes and types of inlets and outlet pipes of the detention basin is indicated on the Land Title Survey.
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. The Applicant indicates an overall reduction in impervious coverage.

Sign Review

12. No signage is proposed.

Landscape Review

13. The proposed landscaping elements and details included the following notes:
 - Replace in-kind damaged or removed landscaping along the frontage of Sylvan Avenue as directed by the Site or Municipal Engineer.

- Coordinate the preservation of the existing on site trees and final landscaping with the Borough's Environmental Commission.
14. We suggest the Shade Tree and Environmental Commissions review the plans, the site and provide comment.
 15. It is noted that the prior "Earth Station Expansion" project proposed evergreen screening of thirty (30) 8 to 10 feet high Norway Spruces that were to be planted along the border of the westerly parking lot at the existing wooded buffer. They were either not completed, planted in the wrong area or have died. This required work shall be coordinated with the Shade Tree and Environmental Commission.
 16. A Performance Bond and a 2 year Guarantee is recommended for any proposed landscaping improvements.
 17. The installation of any landscaping improvements onsite is recommended to be inspected by our office. Scheduling of same shall be provided with a minimum of 48 hour notice.

Off-Street Parking

18. The number of off-street parking spaces required is as follows:
 - a. Business and office use: 1 parking space for 200 square feet. The Applicant indicates the premises have an existing variance for parking.
 - b. The Applicant indicates an existing total of 941 parking spaces will be reduced to 909 parking spaces.
 - c. Twenty (20) accessible parking spaces are proposed. ADA guidelines for number of spaces when 501 to 100 parking spaces are provided require 2% of total or 19 spaces. The accessible parking spaces must be in conformance to the ADA Guidelines inclusive of number, striping and signage.

Traffic and Public Safety Review

19. Copies of these drawings have been provided to the Borough's Fire Department and Police Department. Please refer to comments from the Englewood Cliffs Fire Department in the Chief's March 24, 2014 letter and the Police Department Traffic Bureau memorandum dated March 24, 2014.
20. The Applicant shall provide testimony regarding the frequency and times of deliveries, including the size of the delivery vehicles and method of circulation.

21. New ADA curb ramps are proposed. The ADA curb ramps shall meet County, State and Federal regulations. Certifications from the Design Engineer of Record prior to the issuance of the Final Certificate of Occupancy are required.

Lighting Review

22. The Applicant proposes that existing site lighting will remain with the exception of the removal and replacement of one (1) pole mounted fixture.
23. The applicant shall be prepared to provide testimony verifying the site lighting design requirements are in accordance with Borough standards. Lighting notes on Sheet No. 5 reference Borough standards.
24. Borough ordinance §9-19.2b requires all lights directly facing a neighboring or adjacent property or on a public roadway shall be shielded. Lighting notes on Sheet No. 5 reference conformance to same.

Site Plan Review

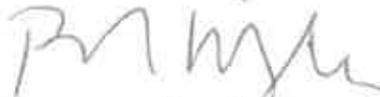
25. Parking Lot Pavement milling & overlay work are ongoing. Please clarify the extent of this mill & overlay work and anticipated completion schedule inclusive of lawn restoration.
26. The installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance.
27. Existing trash containers are not indicated on the survey. Please address provisions for screening.
28. Please address the ECFD Chief's questions on the Fire Department Connection (FDC).
29. Sheet No. 6.00 indicates a detail for a reinforced concrete retaining wall barrier.
30. Any new retaining wall in excess of four (4) ft of exposed height requires structural stability calculations and professional engineering certification that the wall was built in accordance with the plans and that it will support its design and intended loads.
31. A No Parking sign is located at the retaining wall constructed during the "Earth Station Project" across from the rear yard building entrance. However, vehicles remain parked in this area. Please provide additional No Parking signage and striping to deter parking in this area.
32. The Applicant shall review access route requirements for the five (5) ADA parking spaces in the front yard to the building entrance with the Construction Official

33. The Applicant shall provide testimony as to the number of employees that are expected and the days and times of operation.
34. The Bergen County Soil Conservation District shall review these drawings.
35. The Bergen County Planning Board shall review these drawings if required.
36. 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.E.

BNM/jmp

cc: Paul Renaud, Construction Code Official
Environmental Commission
Shade Tree Commission, via email yfavar@englewoodcliffsnj.org
Mark Neville, DPW Superintendent
Edwin Fehre, via e-mail
Michael B. Kates, Esq., via fax and email
Chief Cioffi, ECPD
Chief Drimones, ECFD
Huy Tran CNBC, via email
John A. Schepisi, Esq., via email
Anthony Kurus, P.E., via email
John Englese, Boswell McClave Engineering

RESOLUTION

(Open Public Meetings Act - Closed Session)

WHEREAS, N.J.S.A. 10:4-12 and 13 of the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist, more particularly the attorney-client privilege exception and the litigation exception of N.J.S.A. 10:4-12.b(7), relating to the matters of Jacoby v. Mayor and Council, Englewood Cliffs, Docket No. BER-L-8891-12; Davis v. Mayor and Council, Englewood Cliffs, Docket No. BER-L-8769-12; and NJ State Fed. of Women's Clubs, et al. v. Bor. of Englewood Cliffs, et al., Docket No. BER-L-8875-12;

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey, as follows:

1. The public shall be excluded from witnessing discussion of the hereinafter specified subject matter.

2. The general nature of the subject matter to be discussed is as follows:

Management of continuation hearing considering B-2A Overlay Zone Master Plan Amendment so as to assure due process to plaintiffs in the aforementioned litigation.

3. It is anticipated at this time that the above matter will be made public upon completion of the discussion ~~and a decision to appeal or refrain from appealing.~~

Removed as per Michael Kates.

4. This Resolution shall take effect immediately.

MOTION BY: *Mr. Kiky Kim*

SECONDED BY: *Mr. Vincent Surace*

DATED: *Thurs. May 8, 2014*