

Regular Public Meeting of the
Englewood Cliffs Planning Board
Minutes
April 11, 2013

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

Present at Roll Call:

Mr. Fehre
Mr. Chinman
Mr. Kilmartin
Mr. Trovato
Mr. Nikow
Mr. Kim, 1st Alernate
Mr. Surace, 3rd Alternate

Absent:

Ms. Rosenberg
Mayor Parisi
Mr. Duffy
Mr. Dooly
Councilwoman Simon

Also Present:

Eric Keller, PE, of Omland Engineering, the Borough's Consulting Engineer
Michael B. Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's Attorney.

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

Flag Salute led by: Mr. Kim

The minutes of March 14, 2013 meeting were approved by voice vote.

Chairman Fehre announced that Application #222K for 744 Palisade Avenue will be adjourned until the May 9, 2013 meeting and that re-advertising is not required.

Old Business:

Application #219K - Expansion of Parking Area
Englewood Cliffs Associates, LLC - 401 Sylvan- Block 412 Lot 7

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

New Business:

Application #220K – Site Plan Approval w/Variiances & Sign Approval
Ronmar Management, LLC
21 Sylvan Block 127 - Lot 20.01 & Block 132 - Lot 3

Mr. Emil Cuccio of Cuccio & Cuccio, 45 Essex Street, Suite 106 Hackensack, NJ will be representing the applicant.

Mrs. Scancarella listed all of the documents that have been submitted to deem application complete. Legal Fees, Engineering Fees, Complete Application, Application Fee, Affidavit of Service, Affidavit of Publication, White Certified Receipts, W-9 Form.

Mr. Cuccio gave a brief description of Ronmar Management, LLC who will be the developer of the property. Ronmar consists of 2 principle members Mr. Malas and Mr. Haboush. They have contracted to purchase the property from the owner Sylvan Property Management, LLC. Contract of sale is contingent on Board approval of the project. Contingent with the sale and Board approval is also a lease with The Learning Experience, LLC.

The development will be a Site Plan seeking to construct a 2 story structure approx.. 5500 sq. feet per floor with 41 parking spaces. This will be used exclusively by the Learning Experience which is a nationally known operator of child care, preschool, and school facilities. This is beneficial for this community. There will be a number of variances necessary such as bulk, dimensional and use variances. Witnesses will be Susan Johnsen, The Learning Experience area manager for NY & NJ. Her testimony will be to the general operation of the facility. Mark Malas will testify as the developer for the project and potential property owner. Octavia Lema from Lema Architects will be testifying as the Learning Experience architects. Anthony Kurus from Neglia Engineering will testify in regard to the Site Plan and Brian Intindola from Neglia Engineering will testify in regard to the traffic reports.

Mr. Cuccio called Ms. Susan Johnsen 4855 Technology Way, Boca Raton, Fla. as his first witness. Mr. Cuccio asked Ms. Johnsen what her position is with the Learning Experience. She stated that she is an area manager who manages centers within the northern NY & NJ area. Hours of operation are 6:30 am - 6:30 pm Monday - Friday. Not all children will attend at those hours, but those are the hours of operation. Ms. Johnsen stated that the children are from 6 weeks of age up to 5 years. There is day care and learning (curriculum) for preschool children. In this size facility we would have approx. 22 teachers and 2 management staff members in shifts as per NJ State ratios. Mr. Cuccio questioned how many parents would pick up their children at the end of the day for this size facility. Ms. Johnsen responded that drop off would start at 6:30 am till approx. 10:00 am until all children are in the building. In the morning drop off lasts 3-5 minutes per child. Afternoon pick up can be at 12:00 pm, 3:00 pm or 4-6 pm. This may take 4-6 minutes as that the parents are not in such a rush to get to work. This is based on demographic studies of their facilities and the size they are proposing.

Mr. Chinman questioned the number of days per week the facility will be open and how many students will be enrolled. Ms. Johnsen responded 5 days a week and hoping to enroll 172 students. Ms. Johnsen was questioned on how many facilities are in Bergen County. She stated that she was not sure the number in Bergen County, but in NJ there are 43 facilities. Mr. Nikow questioned that the hours of operation are 6:30 am - 6:30 pm and what time does the staff arrive. Ms. Johnsen responded that the staff comes in at 6:30 am but may only be 1-2 staff members due to not many students at that time. The staff comes in staggered times. After 6:60 pm the cleaning crew will come in 3 days per week up until 5 days for approx. 1-1 ½ hours. Mr. Fehre questioned what the parking requirements for this size facility with 20 teachers and 2 mangers. Mr. Cuccio responded that they will have 41 parking spaces. Mr. Kates questioned what the peak number of employees is. Ms. Johnsen responded that 15 staff at one time would be peak. Mr. Chinman questioned what the ratio is for child to teacher. Ms. Johnsen stated in the infant room it would be a 4-1 ratio, and then in the preschool it would be 10-1 and 12-1. Mr. Nikow questioned the drop off procedure. Ms. Johnsen stated that parents have to come into the building with their child using a key fab system walk them to the classroom and sign them in. Parents will park their cars and walk in. Mr. Kilmartin

questioned if any of the students are transported by bus. Ms. Johnsen stated no all come in by car. Mr. Trovato questioned that the building is designed for a capacity of 172 students. Ms. Johnsen stated yes but that the state will give ratio number of students per room so may not be able to have that number.

Mr. Fehre opened to public for questions only in regard to this witness.

Ms. Sandy Flemming 32 Irving Ave., EC questioned regarding ingress & egress of the property. Mr. Cuccio stated another witness will be able to respond to that question.

Ms. Mary O'Shea 12 Irving Ave. EC wanted to know if any of the classrooms will have ½ day sessions. Are some coming in morning and some in afternoon? Ms. Johnsen responded that there basic days are 8:00 am - 5:00 pm. Parents can use 3 or 5 days per week. There is a ½ day schedule 8:00 am - 12:00 pm or 8:00 am - 3:00 pm. No students are replaced when they leave earlier in the day with another. There are many different schedules that parents can pay for 8:00 am - 12:00 pm, 8:00 am - 3:00 pm, 8:00 am - 5:00 pm and then early care or late care. They can come in as early at 6:30 am up until 6:30 pm. Mr. Kilmartin questioned that the 8:00 am time is that the rush hour for most drop offs. Ms. O'Shea questioned a room that was on the first floor if they allowed a drop in service? Ms. Johnsen stated that it was the Make Believe Blvd. Room that is just a play area for children only. Ms. O'Shea questioned if a child is not picked up by 6:30 pm does a staff member stay and does the parent pay a fine for being late. Ms. Johnsen stated that the parent is charged \$15.00 per every 10 minutes for being late. They have not had many problems with this issue. After the first time it happens the parents are not late. Teachers are paid till 6:30 pm so then a management staff will stay.

Mr. Nikow questioned the other day care centers in NJ that you have are in what type of neighborhood. Ms. Johnsen stated some are attached to strip malls, Ramsey stands alone. Out of her 15 that she manages 9 stand alone.

Ms. Denise Angelos 10 Irving Ave., EC questioned that the age of the children will be between 6 weeks old and 5 years. Response was yes.

Mr. Cuccio called his next witness Mr. Mark Malas 60 Essex St., Suite 201, Rochelle Park, NJ. Mr. Malas stated that he is a principal manager of Ronmar Management, LLC. Mr. Cuccio questioned if he had entered into a contingent sale of the property with Sylvan Managemnet and a contingent lease with the Learning Experience based on Board approval. Mr. Malas stated yes to all. Mr. Malas stated that he is currently developing 48 townhomes in Edgewater, NJ. He also was involved in the approval from the board for the office building at 574 Sylvan Ave, EC and a subdivision on Chestnut St., EC. Mr. Cuccio questioned Mr. Malas as to the Learning Experience building is to their specifications no a spec. building that you are building for the Learning Experience. Mr. Malas stated yes.

Mr. Chinman questioned how long a lease they are entering into. Mr. Malas stated 20 years with options. Mr. Cuccio stated that the developer is funding the project. It is not contingent on any bank approvals. How long will construction of the building be? Mr. Malas stated 6-12 months. Mr. Malas stated it will be a slab on grade 2 story light construction not a typical all glass construction. The site right now is a wooded lot. Mr. Malas stated that the drainage down Irving Ave. will be going on at time of construction of the building.

Mr. Tim O'Shea 12 Irving Ave., EC questioned the impervious coverage of the property with the building and parking lot. Mr. Kates stated that the site engineer would be better qualified to answer that.

Ms. Carrol McMorrow 7 Ridge Rd., EC questioned Mr. Malas if he has had any business relationships with any board members or done any business with any member even the board attorney. Mr. Malas answered no. Ms. McMorrow questioned if he does business with Mr. Frank Sorrentino in anyway? Mr. Malas stated none other than the lease they entered into for the property. Ms. McMorrow questioned if he does banking with Mr. Sorrentino at Connect One Bank. Mr. Malas stated he has a business relationship with the bank. Ms. McMorrow then questioned if Mr. Malas has any business relations with Mayor Parisi. Mr. Malas stated no.

Ms. Yvonne Favarro 70 Johnson Ave., EC questioned landscaping. She was informed that the engineer will have more information on that.

Mr. Cuccio called his next witness Mr. Anthony Kurus 34 Park Ave., Lyndhurst, NJ of Neglia Engineering. Mr. Kurus stated that he worked along with the architect for the plans of 21 Sylvan Ave. for site plan and drainage calculations, site design, landscape and lighting. Mr. Kurus marked the site plan presented as exhibit A-1, sheet 3.00 colorized with landscaping added dated Dec. 30, 2012 with revisions of Feb. 28, 2013. Mr. Kurus described the property of 21 Sylvan being in the B-3 special retail zone, corner of Irving Ave. & Sylvan Ave., overall site is a combination of 2 lots to form an irregular "L" shape. Lot 20.01 is on Sylvan & Irving then the other lot on the north side of the 21 Sylvan is lot 3 which frontage is on Bayview. The existing site is currently vacant with brush and tree coverage. There is no building on lot. Mr. Cuccio questioned Mr. Kurus that the original structure was going to be on the rear of the property and has now been moved to the front of Sylvan Ave. The reason for the change is to bring the building in line with the existing buildings on Sylvan Ave. and also to put the parking on the rear which is what the Master Plan states. No parking shall be in front parking should be in the rear. The building is set back from Sylvan Ave. 21.3 feet and 20 feet from Irving Ave. Access to the site will be a one way in from Irving Ave. into the parking lot with one way exit driveway onto Bayview Ave. which will take cars to Sylvan Ave. The building height is measured from the mean curb level from Irving Ave. The height of the building will be 34.7 feet but actually the building will be 31 feet. This is due to the slop in grade from east to west. If looking at the building from Sylvan Ave. it will be 28 feet in height on the northerly corner of Sylvan Ave. the building will be 30 feet in height. Requirements for a building are 2 stores or 30 feet in height. We are looking for a variance for the average and of the height of the building. This will be a "C" variance. Mr. Cuccio asked what other variances they are requesting. Mr. Kurus responded that one is for the use of the site to be a day care/preschool. Mr. Eric Keller questioned that the "C" variance stating that if it is more than 10% it would make it a "D6" variance. Mr. Kurus continued with the listing of variances. Next was lot area that 10,000 sq. feet is max. and they are looking for 38,000 sq. feet. Height variance "D6" ground floor not to exceed 1600 sq. feet they are proposing 5506 sq. feet per floor. Parking space size 9 x 19' required proposing 9 x 18'. Drive aisle width required 25' proposing 24'. Buffer requirement of 20 feet from residential zone proposing minimum of 5 feet on northerly half on southerly side there will be 22 feet. Loading dock required but none proposed variances for building signage max. is 32 sq. feet proposing signage on Sylvan Ave. frontage of building, second building sign on front of building when entering parking lot and one ground sign which is not permitted in the B-3 zone which is to be on the corner of Irving & Sylvan Ave. to be 28 sq. feet on each side and to be set back 10' from street.

Mr. Fehre questioned the combing of the two lots to become permanently one lot and all calculations where done as such. Mr. Kurus stated yes. Mr. Trovato questioned the set back on Irving Ave. Mr. Kurus stated it is 20 feet from lot line from the curb there is an additional 10 feet. Mr. Kilmartin questioned the traffic pattern that is proposed. Mr. Cuccio stated that the traffic expert could respond to this later. Mr. Chinman questioned the sq. footage of signage

for the building. Mr. Kurus stated 32 sq. feet building signage is allowed and they are proposing on the parking lot side 35 sq. feet and one on the front of the building to be the same. They are proposing double of the allowed amount. They are also requesting a ground signage and another logo sign on the building. Mr. Chinman questioned what the total sq. footage of signage requesting is. Mr. Kurus stated 102 sq. feet in total. Mr. Cuccio questioned Mr. Kurus on the height issue of this building will the building be higher or lower or the same as other buildings on Sylvan Ave. Mr. Kurus stated that this building will be 6 feet lower from the adjoining 2 properties to the north. The building will be higher than the residential properties due to the slope of the land. Mr. Kurus stated that the proposed day care/preschool is particularly suited for the proposed site because of the location on Sylvan Ave. which is a NJ DOT roadway. This will provide an ideal drop off and pick up location for residences to drive north or south bound to the location. The development will provide an attractive new building where the undeveloped lot is now just brush. New sidewalks and landscaping will also improve the curb appeal. Mr. Kurus went over the lighting plan on the property. Proposing new site lighting on 12 foot poles. All lights will have back light control protection so there will be no glare or spill lighting onto the adjacent properties. Lighting is to be facing downward to parking area none will face residential properties. Mr. Cuccio questioned Mr. Kurus if the state requirements have to be met. Mr. Kurus stated that they received a letter from the State DOT that no permit is required and no objection to the application. Mr. Kates questioned if there was a County letter and that he had seen one that stated nothing was required. The letter was found. Mr. Trovato questioned if a generator is to be installed. Mr. Cuccio responded that one is not proposed at this time. Mr. Surace questioned if a wall is to be constructed by the buffer area and residential properties. Mr. Kurus answered that there is a stone wall that they are planning to remove and reconstruct with a new block wall with a max height of 4 feet. The wall will be in the same location with 10 feet of landscaping and more landscaping at the top by the parking lot. Mr. Nikow questioned the parking lot layout and emergency access as far as fire trucks and ambulances if they can get into the lot. Mr. Kurus stated that the design of the parking lot will allow access for garbage trucks, and ambulances. Large fire trucks can gain access from Sylvan Ave. since the building is now on the front of the property. The design change of the building to the front was for fire access.

Mr. Fehre questioned the sign on corner of Irving if going to obstruct the view. Mr. Kurus stated that there is about an 18 feet setback and is ok with the location. Mr. Chinman questioned the timing of the lights if on a timer or not. Mr. Kurus stated that they will be on a timer based on times of operation and they can be also put on a sensor. Mr. Nikow questioned the colors of the signs. Mr. Cuccio called his next witness Mr. Octavio Lema 4855 Technology Way , Boca Raton Fla., Lema Architects. Mr. Lema answered that the colors will be primary colors red, blue, etc. Mr. Nikow asked if it will be illuminated. Mr. Lema stated that they will be back lit signs. Mr. Fehre questioned having a sign on the residential side of the property since they already have a monument sign and one on the front of the building no need to have the residents to be looking at the sign on the building that is lit. Mr. Fehre also questioned that the building on Sylvan looks like the back of the building and would like it to look more like the front something to make the building look better from Sylvan Ave. Mr. Lema stated that he could make the building look like the front on Sylvan Ave. Mr. Keller questioned the 6 foot fence on Sylvan Ave. which will cover the building and what changes would be made to it. Mr. Lema stated they can make the changes to the higher elevation of the building. Mr. Lema explained the fencing on the property as a 6 foot solid fence along the playground 3 sides. The fence along the front sidewalk around the building will be only 4 feet in height and not solid and that they can put landscaping in front of it. The issue is the 4 foot fence along the building not the 6 foot fence around playground which is state required. Mr. Lema stated that they can look into different color, type, or elevation of the fence. The area

that is fenced is not an area that the children will be in it is for means of egress for emergency out of the building.

Mr. Tim O'Shea 12 Irving Ave., EC, questioned the garbage dumpster location near residential property and timing of truck pick up. Talk was about setting pick up time or moving the dumpster closer to Bayview Ave. at the end of the parking lot. Mr. Kurus stated that the truck might not be able to pick up the dumpster at the end of the parking lot by Bayview. The dumpster area they are proposing will be a heavy duty enclosed area. Ms. O'Shea stated that for the resident to look at and hear the noise of the dumpster that it should be moved to the Bayview area since it will be approx. 150 feet from residential home. She questioned the monument sign if double sided and if it is 28 sq. feet on each side or total is 28 sq. feet for both sides. Mr. Kurus stated it is a 21 sq. foot per side sign. Ms. O'Shea stated that the signage on the drawings exceed 150 sq. feet in total when only 32 sq. feet is allowed. Ms. O'Shea feel that the monument sign with landscaping is very bad and an adverse effect on all residences who exit that street. Ms. O'Shea questioned what is the allowed impervious coverage for this lot since they are proposing 63%. Mr. Kurus stated that in this zone it is not regulated. They will have 37% of green space for this project.

Mr. Keller questioned Mr. Kurus in regards to some issues he raised in his letter. Mr. Keller questioned the setback for the sign being stated as 10 feet not 6 feet as on plan. Mr. Kurus stated it will be at 10 feet and will make the change. In regard to the lighting they will be mounted at 15 feet from ground. Mr. Keller questioned the combining of both lots if they get approval. Mr. Kurus stated yes. Mr. Keller then stated that they will need to get approval from DOT for lot consolidation as per State requirement since the lot is on a state highway. The main lot is on highway and you are adding to that so you must get approval. Mr. Keller questioned if they think there will be any blasting or chipping of the exposed rocks on site. Applicant was informed that if chipping is to be done a permit is required from the Borough through the Building Dept. Mr. Keller requested a copy of the reports on the dumper pickup reviews since possible location change. Mr. Keller questioned the retaining wall around the playground and parking lot protection for vehicles from adjacent property. Mr. Kurus has proposed fall protection fencing but will look into fall protection for vehicles that will be above that since playground is there. Mr. Keller questioned if anyone had discussed with DPW about the drainage going down Irving Ave and if not to do so during construction to allow for possible additional inlets. Mr. Kurus stated they did not speak with DPW but will do so. Mr. Keller questioned the trench drain at the end of the sidewalk if necessary. Mr. Kurus stated they are replacing the trench drain to be one that is ADA compliant. Mr. Fehre stated that possibly taking sidewalk out after driveway along with the drain down Irving Ave. and just putting grass. Mr. Fehre feels it is not necessary since there are no sidewalks on Irving Ave.

Mr. Cuccio called his next witness Mr. Brian Intindola 34 Park Ave., Lyndhurst, NJ, Neglia Engineering. Mr. Intindola gave a brief description of the site and access to the site. Plan is a one way access in through Irving Ave. and exiting onto Bayview Ave. A State letter dated January 23, 2013 stated that no access permit is required from the state. If lot consolidation is performed an access permit will be required by the DOT as per mentioned before by Mr. Keller. Mr. Intindola stated he did traffic reports during several days and times. They used figures with approx. 22 employees during morning peak with 60 vehicles to enter and 50 to exit. Mr. Intindola stated that they designed a one way access with a one way exit. He stated that it will be approx. a 10 minute drop off time. He believes there is plenty of parking and method of drop off with one way access will work best and that the angle parking spots will be for employees. He feels a guide line in the area of the angle parking for walking and safety would be good. Mr. Kilmartin questioned what was his reason for making the traffic pattern one way from Irving to Bayview. Mr. Intindola felt Irving to be better for entering and he

wanted the advantage of the traffic light at Bayview to go left or right. His criteria was to get the exit traffic to the traffic light.

Mr. Fehre questioned if there are events at the facility that would require all of the parents to be there would there be enough parking and how would they handle that. Ms. Johnsen responded that they would possibly have it classroom by classroom or rent a hall so that parking would not be an issue. Mr. Fehre stated that we don't want parking on Sylvan Ave. and down Irving Ave. Mr. Kates questioned Ms. Johnsen on the state license as to what type it is. She stated that once the center is set up it is licensed for a child care center which is one in all for day care and learning.

Mr. Joe Cioffi, 30 Sylvan Ave., EC, questioned Mr. Intindola if he felt that removing the parking and making a turning lane on Sylvan is beneficial for this project. Mr. Intindola stated he felt it was not necessary for this project.

Ms. Denise Angelos 10 Irving Ave., EC, she stated that she is the bus coordinator for the Board of Education and wanted to know if they took into account school buses that are going in and out of Irving Ave. Mr. Intindola stated he did take the buses into account when doing his report.

Ms. Mary O'Shea questioned the entrance on Irving as being 24 feet wide tapering to 18 feet when in the parking lot. Is that narrow enough to discourage people to go out the in and that she would want something to discourage people to go out the in for other short cuts. Mr. Intindola stated that the way proposed is adequate and that there will be signs.

Mr. Muhammed Mahmood 6 Irving Ave., EC, stated his concerns of people parking on Irving for drop off and turning around on the street since his driveway is across from the entrance driveway.

Ms. Carrol McMorrow 7 Ridge Road, EC, questioned Mr. Intindola on times he did his traffic line counts. Mr. Intindola stated he was there from 7-9 am and 4-6 pm. One person was on Irving and another on Bayview during those times. Ms. McMorrow questioned his timing on drop off procedures stating that he said 5-7 minutes. Mr. Intindola stated that he has done 22 types of counts with a stop watch one being 5-7 minutes for just a drop off and 10 minutes for one where the parents bring the child inside like this facility will be.

Mr. Fehre suggested closing meeting and having some issues taken care of for the next meeting.

- Design Sylvan Ave. frontage like front of building
- Signage Monument Size
- Dumpster Location
- Fence on Front Sylvan Ave.
- Guardrail by Playground/Adjacent Property Parking

A motion to closed and adjourn the meeting at 10:50 pm by Mr. Kilmartin, seconded by Mr. Chinman was carried unanimously by voice vote.

Respectfully submitted

Caterina Scancarella
Assistant Secretary