

ZONING BOARD OF ADJUSTMENT

MINUTES

AUGUST 1, 2013

CALL TO ORDER: This is a regularly scheduled meeting of the Board of Adjustment of the Borough of Franklin Lakes. In compliance with the Open Public Meetings Law, Notification of this Meeting has been sent to our Official Newspapers and Notice has been posted on the bulletin board at the Borough Hall. I direct that this announcement be entered into the Minutes of the meeting.

ROLL CALL:

Present: Mr. DiFlora, Mr. Messaros, Mr. Bavagnoli, Mr. Badenhausen, Mr. Frankel,
Ms. Schoenberg, Board Attorney Davies, Board Engineer Tiberi

Absent: Mrs. Gerber, Mr. Khoury, Mr. Toronto

ORAL COMMUNICATIONS

Mr. DiFlora asked if there was anyone present who wished to ask a question or make a comment to the Zoning Board this evening.

Kerry Kennedy, 729 McCoy Road, stated that McCoy Road is busy in this area of the blind curve. Ms. Kennedy has built a berm in order to avoid accidents and damage to her property to no avail and she is now planning to install fencing. The permit for the fence was denied because the tree line is at the 10 foot mark and she is hoping that something can be worked out in order to make her property safer. Ms. Kennedy distributed copies of the site plan of her property to Board Members. The plan depicts an old County wall that sits 9 ft. 8 in. off the curb line. Ms. Kennedy is proposing a 5 ft. picket type fence. Ms. Tiberi advised Ms. Kennedy that the fence is proposed in the right-of-way and would require Mayor and Council approval as well as approval of the Zoning Board.

No one else came forward at this time.

RESOLUTION

KRANTZ BLOCK 2511 LOT 5

Mr. Bavagnoli made a motion to memorialize the resolution as modified, seconded by Mr. Frankel.

Roll Call Vote

Ayes: Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel

Nays: None

MINUTES

The Minutes of July 10, 2013, were presented for approval. Mr. Bavagnoli made a motion to approve the minutes as presented, seconded by Ms. Schoenberg.

Roll Call Vote

Ayes: Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel, Ms. Schoenberg

Nays: None

VOUCHER

A voucher from Mr. Davies was presented for approval. Mr. Bavagnoli made a motion to approve the voucher, seconded by Mrs. Schoenberg.

Roll Call Vote

Ayes: Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel, Ms. Schoenberg

Nays: None

NEW BUSINESS

Cal.#2013-8 Application of AB JC Investments, LLC (Applicant) Estate of Frank E. Weidanz & Yvonne M. Weidanz (Owners), 724 Franklin Avenue, Block 1424.01, Lot 2, Use Variance which is in violation of the following Section of the Ordinance:

TYPE REQUIRED EXISTING PROPOSED VARIANCE CODE

Use Variance Multi-Family Dwellings are not permitted in the Residential Zone.
Code Section 300-107

DATE DEEMED COMPLETE: June 4, 2013

DETERMINATION DATE: 10-2-13

Robert Kasuba, attorney for the applicant, introduced himself. He stated that he has provided transcripts of the previous meeting as well as a letter to the Board Attorney and the Board Engineer explaining the RSIS as it pertains to parking spaces. Mr. Kasuba asked that this letter dated July 23, 2013, be marked as Exhibit A-22. He referred to a letter relative to notice dated July 31, 2013, and asked that the letter be marked as Exhibit A-23.

David Hals, engineer on this project, was sworn by Mr. Davies. He testified relative to plans titled "Block 1424.01, Lot 2, 724 Franklin Avenue for AB JC Investments, LLC, Borough of Franklin Lakes, Bergen Co., N.J." revised through July 16, 2013, prepared by Schwanewede/Hals Engineering. The plans were marked as Exhibit A-24. Mr. Hals said that a natural gas generator has been added in the front right hand corner of the first parking stall which will be protected by bollards. He pointed out that the striping in the parking area has changed. Soil moving quantities have been added to the plans and are listed on Sheet 1 of 4. A tree count has been noted with 23 trees proposed for removal. Sight distance lines have been indicated for the access driveway into the site on Sheet 1 of 4.

A motion was made to open the public portion of the meeting regarding the testimony of Mr. Hals, all ayes. William Cerelli, 511 Shirley Avenue, said that he was concerned relative to zoning changes particularly as affecting traffic. Gail Cerelli, 511 Shirley Avenue, asked if all Board Members had received a copy of her letter dated July 9, 2013 and another letter dated December 15, 2012. Mr. DiFlora said that he has not seen either letter and Mr. Davies said it would be appropriate to give Board Members a copy of the letter at the end of the hearing since it doesn't contain questions relative to the applicant's engineer. Mr. Kasuba asked to be provided with a copy of these letters. No one else from the public came forward and a motion was made to close the public portion of the meeting, all ayes.

Bradley Meumann of Meumann Associates, 88 Maple Avenue, Morristown, N.J., landscape architects, for the project was sworn by Mr. Davies. He referred to a colorized plan entitled "Landscape Plan, Meumann Associates, Plan #2516, 2013" which was marked as Exhibit A-27. He noted another plan design image which he identified as "Enlargement of the Design Area Image or Landscape Exhibit dated July 10, 2013" which was marked as Exhibit A-28. Mr. Meumann described a variety of screening proposals for the property using conifer trees which are clustered in groups. There are several different sizes of trees that combine for buffering at the front of the property and a small berm or raised bed containing a mixture of low plantings. There are notes on the plan relative to tree protection. Responding to a question regarding runoff, Mr. Meumann said that there will be some type of drain or swale system on the side lines to catch water and the area will be higher than the grade that exists at this time. Ms. Tiberi, Borough Engineer, pointed out flaws in Mr. Meumann's design which depicts the swale in the center of the buffer area. Mr. Meumann said that the swale will be at the side to collect water running from other properties. He added that there are many concepts to consider when directing water flow. Mr. Kasuba commented that the applicant will have to come back to the Board for site plan approval if the variance application is granted. Regarding drainage in the front, Mr. Meumann said that a vault system or some type of infiltration system would be considered.

A motion was made to open the public portion of the meeting regarding the testimony of Mr. Meumann, all ayes. William Cerelli, 511 Shirley Avenue, asked if the applicant was requesting that the zoning of the area be changed. Mr. Davies explained that the applicant is asking for specific variances on the individual piece of property. Only the Mayor and Council can make a change to the zoning of a particular area. No one

else from the public came forward and a motion was made to close the public portion of the meeting, all ayes.

Bahman Izaemehr, traffic engineer of Bertin Engineering Associates, 66 Glen Avenue, Glen Rock, N.J. was sworn by Mr. Davies. Mr. Izaemehr has prepared a Traffic Impact Study which was marked as Exhibit A-29. He testified that a traffic study was conducted at the site. He also utilized a 2012 traffic study prepared by Bergen County, a 10 year old study and a recent study done by Staigar Associates for a proposed day care center at the site. This is a residential project which means that the impact of traffic is extremely low crating approximately 20 trips during the morning and evening rush hours. There is no change in level of service due to the low impact of the project. Mr. Izaemehr commented that the proposed parking is sufficient. He concluded that the project has little traffic impact on Franklin Avenue and the surrounding areas. Ms. Tiberi questioned the minimum site distance that is required in the area of the hedge and Mr. Izaemehr said that it would be 385 ft. based on the 40 mph speed limit. After further discussion, Mr. Izaemehr commented that the hedges should be lowered in order to provide a safe stopping distance. Ms. Tiberi expressed concern from a driver's perspective and indicated that this area is private property which is 2 feet off of the curb line. Mr. Izaemehr responded that this this is a County road and they would have to comment, give direction and grant final approval. After further discussion, the applicant's professionals indicated that there would have to be a negotiated agreement with the neighbor to trim the hedges to a specific height or an agreement with the County to change the speed limit to 35 mph. It would be necessary to have a recorded agreement or easement with the neighbor.

A motion was made to open the public portion of the meeting regarding the testimony of Mr. Izaemehr, all ayes. Tony Danza, 104 Garden Court, questioned the number of proposed units. Mr. Izaemehr said that 24 units are proposed which is a mix of one, two and three bedrooms. Mr. Izaemehr was asked if the impact of the previously proposed office building would have more, less or the same impact as this proposal. Mr. Izaemehr said the office building proposal would have a slightly higher impact especially if it were a medical or dental office. No one else from the public came forward and a motion was made to close the public portion of the meeting, all ayes.

At this point, Mr. Kasuba asked that the application be carried to the next meeting when he would have the Planner, Joseph Burgis, testify. He will submit a revised landscape drawing by August 16th. The Board agreed to carry the application to the meeting of September 5th, 2013.

The meeting was adjourned at 9:49 P.M.