Borough of Franklin Lakes
Bergen County, New Jersey
Planning Board Minutes
February 17, 2016
Regular Meeting

Meeting Called to Order at 7:30PM

Open Public Meetings Statement: Read into the record by Chairwoman Vierheilig

Salutation to the Flag

Preamble: Read into the record by Chairwoman Vierheilig

Roll Call: Mayor Bivona, Councilman Kahwaty (via phone), Messrs. Gostkowski, Lauber, Pullaro (absent), Chairwoman Vierheilig, Messrs. Lazerowitz (absent), Linz, Sheppard, Ms. Mucci (absent), Mr. Ochs

Fire Safety Announcement: Read into the record by Chairwoman Vierheilig

Also in Attendance: Mark Madaio Esq., Board Attorney; Ms. Beth McManus, Borough Planner; Ms. Maria Berardi, Planning Board Secretary; JoAnn Carroll, Recording Secretary

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Board Discussion:

Mayor Bivona: stated he has had discussions with a few members of the Board and with the Board Attorney regarding communications between the Mayor and Council and the Board; trying to better the communication between the two; discussed liaisons; Councilman Kahwaty is the liaison between the Board and the Council; would like Councilman Kahwaty to start Planning Board meetings with updates from the Council which directly affect the Planning Board.

Councilman Kahwaty: stated he is making arrangements to have a member of the Bar Association hold a primer for members of the Board regarding their role as a member of a land use board; will take approximately two months to put together.

Approval of Minutes: Councilman Kahwaty, Mayor Bivona
January 6, 2016 (Reorg./Regular)
All in Favor

Ordinance No.___; an ordinance amending Chapter 300 "Land Use and Development" of the Code of the Borough of Franklin Lakes to create the RB-2 Retail Business District 2 for the Gabrellian Properties, consisting of Block 1418, Lots 1-6; Block 1419 Lots 2, 7, 8, 8.01, 8.02, 21.01, 21, 22, 26 and Block 1518 Lots 2 and 5.01 and to supplement and amend Chapter 300 "Land Use and Development" of the Code of the Borough of Franklin Lakes

Ms. Beth McManus: stated what is before the Board this evening is a draft ordinance creating a new zoning district; RB2, Retail Business 2 District; it is for a very specific area within what is now the RB district; essentially the downtown; it is for the shopping centers and intersection of Franklin Avenue and Colonial Road; the idea is to create a new zoning district that will facilitate redevelopment and revitalization of these properties and to grant flexibility so the redevelopment can take place while also creating zoning standards to ensure that what occurs in these locations are consistent with the visions that Franklin Lakes has for itself; more specifically the ordinance is not 2 lots but several lots; there are 2 properties involved; the first one is the large shopping center along Franklin Avenue; the other is what was the former shopping center at the intersection of Franklin Avenue and Colonial Road; this is also subject to the Board's discussion with the developer which she believes took place 60 days ago; this is a result of that meeting and a meeting between the Council members, herself, Borough Officials and the developer; believed the ordinance was discussed at the Mayor and Council meeting the previous night; they had questions and concerns that they would like the Planning Board to weigh in on; Ms. McManus wanted to give a brief overview to the Board of the ordinance and field any questions the Board may have.

The first page of the ordinance very simply speaks to the goals and the desires of what this ordinance intends to reflect; the "whereas" clauses are intended to give a good idea of the vision of the Borough; the second page is largely administrative items; there are a few changes; the first one is for permitted smaller parking space sizes in this district; this is one item the Council wants to discuss; the second is the definition for "surgical centers" because this will be a permitted use; page 3 really begins the "meat" of this ordinance; it identifies principal uses; the permitted uses are those in the RB1 district; the new RB2 district is largely built upon the underlying zoning; it also adds as a permitted use surgical centers and prohibits some uses which are not necessarily the indication of the development proposed in this location but it gives us an opportunity to clean up the ordinance and bring it to the standards the Borough has for all of Franklin Lakes; we include permitted uses, accessory uses, conditional uses for which there are none, prohibited uses; some are already prohibited on the earlier page as part of the RB1

district; also prohibiting drive-thrus; referred to the handout; the bulk standards are largely consistent with the RB1 district; the reason she relied upon the underlying zoning is because the conceptual plans that were discussed before this Board are such that this larger shopping center along Franklin Avenue is intended to remain largely as is; it will be revitalized; the building locations are anticipated to remain the same; on the other side of the street the site is demolished and is intended for a full redevelopment scenario; one of the most significant differences in the bulk standard table is the building height; on page 4 of this ordinance it allows the maximum building height to increase to 2 stories, 40 ft.; there is a 10 ft. difference in the permitted building height; however, in order to achieve that additional 10 ft. there are certain design standards that the developer must meet in order to add that additional height; this is not an additional story; not an enlarged floor area; one of the concerns that she heard from Borough Officials is that they want to make sure this site is architecturally of a high quality, architecturally pleasing and consistent with the rest of the Borough; one of the ways this can be done is to impose additional standards along with an incentive; the incentive is the additional building height; the standards are what are used by the developer to achieve that additional height; those identified in this ordinance include making sure the buildings have retail and active uses on the first floor to ensure the vision of a walkable area; also have some building façade standards; there are several other design standards on page 5; architectural standards; maximum size of any building is limited to 20k sq. ft. to ensure small shops are being created; there are standards making sure rooftop HVAC equipment is screened; there are a few standards regarding exterior lighting to make sure it is compatible with the building; additional standards include bike parking, buffers/plantings; it allows for a 10 ft. buffer along property lines; it is intended to reflect the very developed nature of the majority of this zone district; in the last few sections of the ordinance there are new standards for signs; the sign standards are largely consistent with the conceptual plans that appeared before the Board two months ago; the sign standards for façade signs are consistent with the underlying RB1 district, however the language has been clarified to make clear what each tenant is allowed to have; also added some free standing sign language to allow for an alternative scheme of free standing signs; generally there would be a larger sign along Franklin Avenue with a smaller sign along Colonial Road; both signs are required to be externally illuminated; one of the other concerns she heard from the Planning Board at the last meeting was a concern about sign lighting; building mounted signs can be internally illuminated; the exception to that is any sign that faces a residential district; added maximum lighting standards for signs so they are not overly bright; the last section of the ordinance has to do with the outdoor cafes; the Borough already regulates this but she adjusted the regulations to be more flexible; instead of requiring an outdoor café to be

directly in front of a use, it simply must be adjacent to the use to allow for a café to be on the side of the building; very general overview of the ordinance; happy to answer any questions.

Mr. Sheppard: confirmed it is a two story building; asked if the retail was going to be at a 20 ft. height and therefore having second stories within them; mezzanines.

Ms. McManus: stated no; the intention is to allow building height that reflective of the concept that were submitted that do not include mezzanines; one of the issues raised by the developer is the nature of how the Borough measures building height; it creates a taller building height than the Borough might not have otherwise under other ordinances; the idea of a taller building in this area is not going to be inconsistent with the character of the area; taller building heights can create an improved pedestrian experience while walking along the building.

Mr. Sheppard: asked if there was a setback off of the second floor so there is not a downtown feel created; there will be a 40 ft. building and the second floor that brings it up to 40 ft. is set back; believes a 40 ft. building for two stories is very tall; asked if there was a 15 ft. ceiling height on each of the floors.

Ms. McManus: stated she did not have the calculations for the first floor building height.

Mr. Lauber: stated at the hearing they testified to 18 ft.

Mr. Sheppard: asked if a medical office needed an 18 ft. ceiling.

Ms. McManus: stated the first floor is 18 ft.

Chairwoman Vierheilig: stated a higher ceiling height was needed to attract a certain type of business.

Ms. McManus: stated 14 ft. ceiling height was necessary for the medical client to allow for a wide range of medical uses.

Chairwoman Vierheilig: stated that brings the number to 32 ft.; asked if the last portion was to screen the rooftop units.

Ms. McManus: stated there may be another 2 ft. between floors and another 2 ft. above the second floor; the rest of the height is consistent with the plans to allow for the architectural interest for the second floor.

Mr. Sheppard: asked what retail tenant needs an 18 ft. ceiling.

Ms. McManus: stated she could not name a specific tenant; it does seem that some retailers do have taller ceilings than they may have had under a development scheme 20 years ago.

Mr. Sheppard: stated he sees a two story building going from 30 ft. to 40 ft. to accommodate retail tenants that need an 18 ft. ceiling; doesn't believe there will be retail tenants who will not rent because it is not an 18 ft. ceiling; doesn't understand why the ordinance is being changed to allow a height of 40 ft.

Mayor Bivona: stated his view is that we are trying to create a downtown feel; the buildings in the R2 district are two stories and are pretty high; looks at the bank that was put in which went over 40 ft.; it is a downtown are that we are trying to promote businesses; we need to be consistent with that.

Mr. Lauber: stated it is going to be very sudden to go to 40 ft.; was disappointed; he envisioned a height of 32 ft.

Ms. McManus: stated 2 stories and 30 ft. is unusually low for most zoning ordinances; the standard building height for a two story building is 35 ft.; believes that is important to keep in mind; part of the reason the building height is an issue on this property is the nature of the particular site that will be redeveloped at the corner of Franklin and Colonial; due to the topography of the property; once you apply the Borough's particular building height measurements the result is a 40 ft. building height; this is not a 40 ft. building height from the ground of the first floor facing Franklin Avenue to the top of the building facing Franklin Avenue; this is a 40 ft. height given the lowest point of the building on the site at the rear to the highest point of the building; believes the Board has an opportunity to rezone a property with a concept plan with architecturals in mind; you are not approving these exact architectural plans but the Board has the opportunity to be able to visualize what it is that you are zoning; the Board should take a look at the architectural plans, and if there are items the Board is displeased with in those plans, there may be opportunities to amend the design standards to address those items in a matter that may or may not keep that building height.

Mr. Lauber: asked if the plans were available, other than the "mini" plans which were submitted.

Ms. McManus: stated she believes the smaller plans are the only ones available.
Mr. Lauber: stated it is pretty hard to judge on those plans; it is an impossible task for the Board to take such small plans and make a valued judgment on them.

Mr. Bivona: stated this is not the site plan, this meeting is about the ordinance.

Mr. Lauber: stated, but, the standards are being set.

Mr. Sheppard: stated he does understand that we are trying to create walkability and trying to promote a downtown; the word "quaint" does not fit with a larger building and the signage to be added; seems to be more of an urban downtown.

Ms. McManus: stated the building height can be lowered; alternatively this can be addressed through design standards; perhaps there are other conditions for a building height of 40 ft. or perhaps another number that would create a better level of comfortability.

Chairwoman Vierheilig: asked if there was a discussion on changing the way it looks in regards to 40 ft.; the look of a flat roof was discussed; agrees with concealing rooftop units; if it is a case of breaking the scale of the building down through roof articulation, etc. she is not anti-40 ft.; if the discussion is about a 40 ft. rectangular mass, then she is against 40 ft.

Ms. McManus: stated this can be translated into an ordinance; there is a concern that this is going to be a flat roof, there are ways to add language to prevent that.

Mr. Sheppard: stated the Chase building was an architectural feature that brought the building to 40 ft.; it wasn't a square building.

Chairwoman Vierheilig: stated there are residential homes in Franklin Lakes that are 40 ft.; we do see 40 ft. buildings every day; there are articulations in these homes; not a big, flat façade; we begin to want a smaller scale; quaint feel.

Mr. Lauber: confirmed that 35 ft. is more of a standard at this time; maybe the case should be made for 35 ft. as opposed to 40 ft.

Mr. Sheppard: stated he understands the developer is trying to attract tenants with a building that is architecturally pleasing; the Board is trying to help guide it.

Mayor Bivona: stated the developer wants to improve our downtown; we have to be careful that we don't discourage to the point where the Borough will get a box but a smaller box; he has no problem with 40 ft. or 39 ft., etc.; stated if we are going to make these nice destination places, space is needed; if there is any place to put it, it is in the downtown area; wants this area that people will see and really like; want he doesn't want is to keep it very low and quiet; doesn't think that necessarily serves the Borough's purpose.

Mr. Linz: stated he is more concerned with the architectural feel than the height.

Chairwoman Vierheilig: stated the Board has approved projects that are a little higher because the Board understands the importance of articulation.

Mr. Sheppard: stated, based on the plan, we are looking at a wall.

Mr. Linz: asked about dimension; what type of break up where the stores might be.

Mayor Bivona: stated he sees strip malls with peaks and articulation; feels they are not pleasing to look at; not sure what can be done with the stores and the offices architecturally.

Ms. McManus: stated the Board can't get into designing the building; the Board does have an opportunity, if there is a level of comfortability with the building height that exceeds the 30 ft., we can allow for that greater building height with design standards; right now the design standards do not focus on the roof; perhaps there are additional architectural standards that can be imposed upon the building to make people comfortable with the greater building height; needs to get input on the design standards that would make the Board feel more comfortable and what is the building height; asked if 40 ft. is acceptable if the roof line is broken up; is only 38 ft. or 35 ft. acceptable if the roof line is broken up.

Mr. Lauber: stated something can be worked out with the ordinance in regards to height.

Ms. McManus: stated the 18 ft. and 14 ft. is too small; we need to remember that we are not taking the first floor retail facing Franklin

Avenue and measuring to the top of the building; we are taking the lowest point on the site and measuring to the highest point of the building.

Mr. Ochs: stated he would like a developer who was willing to work with the town; believed the developer was receptive to comments when they were before the Board; the Board did comment that we did not want a "big box" of a building; would like to give the developer an envelope to work within to get creative; limiting the ceiling height would prevent them some creativity; leaning heavily to having a bigger envelope.

Mr. Gostkowski: asked for the height on Franklin Avenue if measuring from the rear of the building.

Ms. McManus: stated to the main roof it is 32 ft. on the conceptual plan.

Mr. Gostkowski: confirmed the residents on Franklin Avenue are not looking at 40 ft.

Mayor Bivona: stated the bigger issue than height is the flatness of the roof; not sure what we can do with that; if we want peaks, we will have to go to 40 ft. or higher.

Mr. Linz: spoke regarding jutting stores in and out so they each look like an individual store; the textures are also changed from store to store; awnings seem to break it up nicely also.

Mr. Ochs: stated we were adamant at the last meeting about softening the feel of the building.

Ms. McManus: stated, in terms of softening the building appearance and making it friendlier to pedestrians, there are some items that speak to that; maximize size of commercial businesses; building entrances should be articulated to make it easily identifiable; awnings are encouraged; separate entrances for each use; upper story windows should be divided into individual units or grouping of units instead of one long ribbon of windows.

Chairwoman Vierheilig: asked Ms. McManus to review the signs; there were two proposed; one on Franklin and one on Colonial.

Ms. McManus: referred to page 7; read from the proposed ordinance; one free standing sign is permitted per road frontage; the primary street sign has three requirements; 1. Maximum area for a sign structure of 100 ft.

Mayor Bivona: asked if the sign includes the backing for the sign.

Ms. McManus: stated she has set up an additional sign standard in this ordinance to help get past this issue; there is a sign structure maximum size so the entire structure of the wall that the sign panel sits upon is limited to 100 sq. ft.; the sign panel, the ones that advertise the individual tenants, is limited to 50 sq. ft.; two standards to keep the sign panel in check relative to the sign structure; in addition, there is a maximum sign height of 10 ft.

Chairwoman Vierheilig: stated we are saying the secondary sign can be larger than what is being shown by the developer.

Ms. McManus: stated the rationale for the signage was the developer wants people coming from Colonial Road to see the tenant mix in the building.

Chairwoman Vierheilig: asked if signs of this size are typical with other similar storefronts; seems large to her; asked if it was an appropriate sized sign.

Ms. McManus: stated she believes 100 sq. ft. for the sign structure is a little larger than what is typically seen on streets with that speed limit; there is a challenge with this site with a smaller property at the intersection of Franklin and Colonial; there are people coming up Colonial Road and they are not in a highway setting at that point so they may not be expecting to come up on a shopping center; the Board should consider that Colonial Road is a slow speed road; it is a largely residential street; there is a need to provide adequate visibility to motorists and the need for aesthetics for the residents.

Mr. Linz: stated we cannot lose sight that there are homes right across the street; believes we should minimize the size of the sign on Colonial Road for the residents.

Mayor Bivona: stated the sign placed by the first entrance on Colonial is necessary to show people the entrance to the shopping center.

Mr. Sheppard: stated he is not concerned with the 10 ft. height but with the 10 ft. width.

Brief discussion had regarding determining the size of the sign.

Mr. Sheppard: asked again how we create something that is quaint.

Mayor Bivona: stated he is not sure what "quaint" means; when we look at the downtown area it is the furthest thing from quaint; we don't have a quaint downtown; if we "did" quaint it would be in contrast to what is there now.

Mr. Sheppard: stated he would change his comment to "aesthetically pleasing."

Chairwoman Vierheilig: asked what Ms. McManus would recommend for an appropriately scaled sign.

Ms. McManus: confirmed the size of the sign is an issue; it is too big; not necessarily the style.

Mayor Bivona: stated we are in agreement that there has to be two signs; the signs need to be smaller.

Ms. McManus: stated the size of the sign on Colonial Road can be made smaller to a size that is more consistent with the size for the secondary sign; that one is limited to 90 sq. ft. for the sign structure but the sign panel is 30 sq. ft.

Mayor Bivona: stated he wants to be careful because he wants to be able to read the sign; doesn't want to make it so small that it would be hard to read.

Ms. McManus: stated there is no requirement that each tenant is listed; the sign structure can be lessened but allow the sign panel to be larger than the 30 sq. ft.

Mayor Bivona: stated it is hard to envision; believes we have to see examples of the signs.

Ms. McManus: stated she can give some sign examples for the Board to review.

Mayor Bivona: stated the part of the ordinance relating to the signs is for RB2; whatever we decide for RB2 will also be for across the street; there will most likely be a sign directory at that location as well.

Ms. McManus: stated that sign will be limited to the primary street frontage sign; they will not have the issue with Colonial Road.

Mayor Bivona: stated the sign on Colonial is externally illuminated; there is a standard in terms of illumination on internally lit signs but not externally; asked if there was such a standard.

Ms. McManus: stated it depends on the material of the sign; on a typical sign, illumination standards often seen are a minimum of luminance to make sure it is doing its job effectively; there are also requirements that the light throw from the fixture cannot exceed the area of the sign; all of the light must be contained on the sign face; there are requirements that there not be any glare from the sign; can add some standards for exterior illumination.

Chairwoman Vierheilig: stated there were two other issues regarding signs that were raised at the Mayor and Council meeting last night; Ms. McManus has already covered them; one of them is there is nothing in the ordinance that prohibits blinking and flashing signs; Ms. McManus stated such signs are prohibited by the existing ordinance; the other question regarding the free standing sign was this provision purports to prohibit free standing directory type signs in the RB1 zone; there are currently such signs; they are being permitted in the RB2 zone; the question was should they be prohibited.

Mayor Bivona: stated he believed we do allow one free standing sign per our ordinance.

Chairwoman Vierheilig: stated Ms. McManus had implied the ordinance can be amended to permit directory signs in the RB2 district.

Mayor Bivona: stated there was no detailed discussion regarding the size of the sign at last night's meeting; what was said was the rest of the RB district already has signs and we were not aware of this last night; found out they are allowed in that district; they are much smaller; 20 sq. ft. in size; what we are allowing here would be significantly different; asked if we should do something in RB1 to change the standard.

Ms. McManus: asked if there was concern that this directory sign standard is different from the one existing, should she delete this one or leave it as is, or amend the existing directory signs to be consistent.

Mayor Bivona: stated what we are trying to do is right something and get agreement on what should be written for RB2 and leave RB1 alone at this point; noting that they are going to be inconsistent and there are non-conformities that exist in RB1 already.

Mr. Lauber: stated we are not amending the RB1; asked what we do with the rest of the properties; mentioned spot zoning.

Ms. McManus: stated the existing properties, in what is now the RB district, will be rezoned in name only to the RB1 district; that zoning will remain the same with very minor exceptions; doesn't believe this is spot zoning; the area is large enough and significant enough to warrant its own zone district and in part because of the size of the property, the significance at a prominent intersection and because the rezoning is not intended to further goals of a property owner, but instead it is intended to further the goals of the Borough for upgrading its downtown and creating a more walkable district.

Mr. Ochs: asked if we were excluding the businesses across the street; asked if they were outside of this district; if we are talking about the prominence of this corner the other corner is also equally as prominent.

Mayor Bivona: asked if this area could be included in the zone; it is the RB district at this time.

Ms. McManus: stated she is comfortable expanding the district to include contiguous properties but one of the issues to keep in mind is that the zoning may need to be tweaked a bit because the ordinance is written specifically for larger properties; the smallest property is 2.5 acres.

Ms. McManus: stated, in terms of creating opportunities for the other businesses along the RB district there are two options; the first one is to amend the ordinance to include the smaller properties; the other option is to retain the existing RB district but instead tweak those standards to grant some of the additional flexibility that is given to the RB2 but in a way that is appropriate for the smaller lots.

Mr. Ochs: stated, logically, the area should be balanced.

Mayor Bivona: stated there is not a lot of land there at all; logically they would have to purchase other residential properties to be able to put something on the property; believes dealing with it now does not make sense.

Ms. McManus: stated she believes this supports public policy goals and its partially consistent with the Master Plan; it is a very prominent corner; the properties are significant in size; believes that supports the rezoning of these particular sites.

Mr. Lauber: stated he did not know how the unloading zone could block the street.

Ms. McManus: stated site plan concerns need to be handled at the site plan hearing; not an ordinance question/concern.

Chairwoman Vierheilig: stated there was a concern with the Mayor and Council about the size of the parking spaces; we are saying they can be 9x18; there was concern that they should be 10x20.

Mr. Linz: stated he would like them to stay 10x20; there are a lot of large SUVs in this town; it is more difficult to pull into a spot.

Mayor Bivona: stated if we require 10x20 then there would be less of them.

Ms. McManus: stated, in general, believes larger parking spaces are most appropriate in places where there is high turnover parking; when dealing with a more retail use and office spaces, feels the need for the larger parking spaces is reduced.

Mr. Linz: stated we do not know the types of businesses that will be on site.

Mr. McManus: stated the ordinance does permit retail generally so it wouldn't prohibit high retail uses; can add double striped places to make sure parking is more centered; this is an alternative for the Board to consider; parking spaces are typically required by ordinance; recommend the Board take the alternative and allow smaller parking spaces but require they be striped on either side.

Mayor Bivona: stated he believed it was a tradeoff; if we say either they have to be bigger or striped, then there will be less of them; the area is not going to be bigger than what it is; we are not going to require the building to be smaller to accommodate; we are talking about bigger spots, less of them or more spots, but smaller; does it make sense to split it up; make the front for larger spots and the back for smaller spots.

Ms. McManus: stated you could; believes that type of very specific request is proposed at the site plan level; the applicant might be willing to accommodate larger parking spaces in the front where you get higher turnover; believes the Board is comfortable with the smaller parking spaces but the applicant could be put on notice that perhaps they should consider larger parking spaces near the front of the building; needs to know if the Board wants to require the double striped spaces or if that should be left to a site plan discussion.

Mayor Bivona: asked if there was an answer if Court Street is real or not; whether it needs to be vacated; Mr. Hart was looking into it today.

Ms. McManus: stated if it is a public right of way it will need to be vacated.

Mayor Bivona: asked about the definition of surgical centers.

Ms. McManus: stated they will be same day surgery centers and centers that offer cosmetic procedures.

Mayor Bivona: stated he is fine with that language; asked about what types of businesses are not permitted within 100 ft. from a school or residential area; doesn't want a "vape" shop opening up; wants to write an ordinance that will last a long time.

Ms. Madaio: stated the language appears to be virtually a total exclusion of these types of uses; it could possibly be challenged; still an ordinance that should be adopted; governing body can stand behind it when adopted; asked if gas stations and child care facilities would be excluded.

Ms. McManus: stated yes.

Mayor Bivona: stated they are amending the outdoor café ordinance; language is "adjacent to"; asked if that was good enough language; stated the ordinance was being amended for the whole town not just this district; asked if the quad next to the Market Basket could be used for outdoor dining with this language.

Ms. McManus: stated yes.

Mayor Bivona: stated clearer language was needed.

Ms. McManus: stated she could add some additional clarification; adjacent meaning contiguous; dining area could not be across the street; would be either the front side or the back of the restaurant; drive-thrus would also be prohibited.

Mayor Bivona: asked about the use of the words "shall" and "should."

Ms. McManus: stated they are two very separate words in this ordinance; the words have been chosen carefully; limited to the design of the buildings in the zoning ordinance; "shall" is any standard pointing to a purpose of the zoning and "should" couldn't ascribe directly to zoning; asked for the Board's comments.

Mr. Madaio: spoke regarding mandates 10 and 11; asked if there was a difference in these two mandates that one is "shall" and the other "should"; asked the intention.

Ms. McManus: stated "shall" is for the building materials that are closer to the pedestrian and motor experience; physically closer; this will be stronger in defining character and consistent with public policies in the area; the roof material, while less important, is a link to these properties.

Chairwoman Vierheilig: stated Mr. Pullaro had submitted questions to be asked of Ms. McManus; they were as follows:

Page 1; seventh "whereas"; asked if this was necessary
Ms. McManus: stated it is consistent with the ordinance; we are allowing additional medical offices at the site; including surgical centers as a new permitted use.

Page 1; sixth "whereas"; why do we need medical uses again?
Same answer as above.

Page 2; why mention surgical centers.
Same answer as above.

Page 4-b; existing zone allows offices; this could turn into another office building; should it be stated that only a certain percentage of offices are allowed.
Ms. McManus: stated this issue is discussed in different places; page 5, items 1 and 2.

Page 4-f: concerned about the roofline.
Ms. McManus: stated she believes she heard comments this evening that there needs to be some architectural interest in the roofline; not necessarily a peak; more interest within the roof line so there isn't a flat roof; we can require the roof line to be broken up; she will work with the applicant's architect.

Page 5-c: there is no mention of wood on the building facades.
Ms. McManus: stated wood was not included; it is not the character of the building.

Page 5-1: insert the word "only" before located" in the second line.
Ms. McManus: stated this is a problem because of the rear entrance; we want the retail facing Franklin Avenue.

Page 5-8: guard against utility doors in the front; facing Franklin Avenue.

Ms. McManus: stated she is not sure if that is the right place; there is language in item 6 regarding building entrances being articulated; it will be consistent with the standard retail developments; the front building façade is largely protected architecturally.

Page 5; item 9: ribbon windows.
Ms. McManus: stated there will be no strip of windows.

Page 6; items 15/16: suggested the ordinance state the sidewalk and lighting be the same as Franklin Avenue.
Ms. McManus: can confirm the consistency but Franklin Avenue was done under a Borough initiative.

Page 6; item J-1: not sure what buffers there are with the residential area; the area along Colonial should be 10 ft. or more, not 2 ft.
Ms. McManus: stated she will strike "and along Colonial Road.."; the 10 ft. buffer is not suggested as being a waiver because it is across from a residential area; it will be 10 ft.

Page 7; item 3-b: signage
Already discussed.

Master Plan Discussion:

Ms. McManus: stated the Master Plan was last reexamined in 2010; it is a mixed bag in terms of the area; the Master Plan anticipated the area would be re-zoned for a mixed use, with residential affordable housing provided; that component is not consistent with the re-zoning, but other language in the Master Plan talks about walkable downtown settings, prohibiting drive-thrus; these are consistent with the ordinance; in addition, the reexamination also considered splitting RB into two different zones but it did so in a different manner; it is not consistent with what we have before us now; additional uses are not consistent; architectural standards and design standards are consistent with the RB2 district; the Board's task is to determine if the proposed ordinance is inconsistent with the Master Plan; Ms. McManus doesn't feel it entirely is; the goals of the Master Plan are being supported but not all of the goals; the ordinance can be used to point to the Master Plan for consistency.

Mr. Madaio: read into the record policy 9 of the Master Plan; stated it is almost right on; feels comfortable moving forward; asked what portions are inconsistent.

Ms. McManus: stated page 17 discussed the RB district; it talks about it being split into two zones; each area is described elsewhere in the ordinance; it doesn't call out a specific zone district; talks about emphasizing the role of the business district; in particular, mixed commercial with residential buildings set aside for affordable housing; alternative proposal for downtown that this ordinance does not address.

Chairwoman Vierheilig: asked if this was the only inconsistency.

Ms. McManus: stated yes; the new zone district boundaries are not consistent and that is the area that would contain a mix of commercial and residential uses.

Mayor Bivona: stated there will be a re-draft of the ordinance and the plan was to introduce it to the Mayor and Council on March 1, 2016.

Ms. McManus: stated her plan is to update the ordinance and within a week or so and then send it to the Borough Officials to review; then it would be up to the Mayor and Council to introduce it; it has to come back before the Board for the official Master Plan review; once it is introduced by the Council it should be sent to the Planning Board for their next meeting; the Board has 35 days to review.

Chairwoman Vierheilig: asked if by March 2, 2016 the Board is to state that the ordinance is consistent with the Master Plan.

Mr. Madaio: stated within the 35 days the Board can state the inconsistencies with the Master Plan; the proposed ordinance is largely consistent with the purposes expressed in the Master Plan except for the anticipated residential component.

Mayor Bivona: asked about an overlay zone.

Ms. McManus: stated she did not believe an overlay zone would help address the inconsistencies to the Master Plan; doesn't think an amendment to the Master Plan is necessary.

Oral Communications: None

Vouchers: Councilman Kahwaty, Sheppard
Ayes: Mayor Bivona, Councilman Kahwaty, Gostkowski, Lauber, Chairwoman Vierheilig, Linz, Sheppard, Ochs

Mark Madaio, Esq., Planning Board Attorney
Meeting Attendance, 1/6/16 $300.00

Motion to Adjourn: Sheppard, Lauber
All in Favor

Meeting adjourned at 9:40PM

Respectfully submitted by:

JoAnn Carroll
Recording Secretary