

**Borough of Franklin Lakes
Bergen County, New Jersey
Planning Board Minutes
March 2, 2016
Regular Meeting**

Meeting Called to Order at 7:40PM

**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 (absent), Councilman Kahwaty, Messrs. Gostkowski (absent), Lauber, Pullaro (absent), Chairwoman Vierheilig, Messrs. Lazerowitz (absent), Linz, Sheppard, Ms. Mucci, Mr. Ochs (absent)

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

Board Discussion: None

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

Councilman Kahwaty: stated this ordinance was introduced as a first reading at the Council meeting held on Tuesday, March 1, 2016.

Chairwoman Vierheilig: stated the Board would review the ordinance this evening and see how it conforms with the Master Plan of the Borough.

Ms. McManus: stated an updated version of the ordinance was sent to the Board on February 25, 2016; this version simply shows the ordinance with the changes highlighted; the language is the same in both versions; all amendments were intended to reflect the Planning Board conversation from the last meeting; referred to the version with the changes.

1st page: no changes

2nd page/on top: parking area design standards; there was a discussion about the appropriateness to allow smaller parking spaces; the Board seemed uncomfortable with this issue; the plans were designed with smaller spaces; statement added regarding smaller spaces reserved for employees; striking a medium between the desire for smaller spaces and the Board's concern that larger spaces are necessary for all or some of the parking

Mr. Sheppard: asked for clarification regarding the use of the word "encouraged."

Ms. McManus stated the word "encouraged" means the applicant can or cannot do; it is simply meant to signal to the developer the desire of the Borough to help encourage a conversation in front of the Board.

Ms. McManus: stated the amendments are not just Master Plan consistencies; also additional amendments to the ordinance; below the "parking section", section 2, was inadvertently deleted; section 1 at the top addresses parking; section 2 should be regarding surgical centers; the Council will be alerted to this deletion for codification purposes.

4th page: at the top of the page; non-substantive change; deleted "surgical centers" in RB-2; duplicative; do not need to state in both the RB-1 and RB-2 districts; the next set of changes were addresses generally; item f addresses building height; it states the height may be increased to 2 stories, 40 ft. as long as design components are incorporated into the building; heard concerns regarding architecture from the Board; beefed up the ordinance regarding architectural standards; higher quality design in exchange for height; items described

7th page: under signage; simply a minor change in regards to directory signs; directory sign standard is unchanged except it is only applicable to the RB-2 district.

8th page: item b; free-standing signs; changes include the reduction in the size of free-standing signs in height and total area; did not change the maximum area of the sign itself; requires sign structure to be

reduced; additionally, there was some discussion at the last meeting regarding the primary street frontage, Franklin Avenue; allows maximum area of the sign structure to be 80 sq. ft.; secondary sign structure limited to 60 sq. ft.; developer stated Colonial as the secondary street frontage; it is in fact the more important frontage for visibility; as the ordinance currently reads, the Franklin Avenue sign is to be the larger sign; may be one aspect of the ordinance to review and amend; possibly 80 sq. ft. along Colonial and 60 sq. ft. along Franklin; Board may want to consider change.

Another amendment on the same page states specifically there shall be no glare for the neighboring properties or passing motorists; the last set of changes deal with the outdoor café; not a substantive change; clarification of the language; adjacent or contiguous; amended language to state directly next to; allows for sidewalks and for pedestrians to go through instead of around the outdoor café.

Mr. Sheppard: stated he is concerned with the height of the sign but not the width; the area of the actual panels of the sign increased by 2 sq. ft.; asked for the reasoning behind this change.

Ms. McManus: stated, in terms of height, her recollection was that the height was a specific concern; total area brought down; as reduced, the width will follow because there is only so much of a frontage to place the sign; if there is a specific concern about width, then the ordinance should address it.

Mr. Sheppard: stated the sign looks like a big block; if the height is reduced, it becomes more of a problem for motorists to see it; personally, he would like to see the sign a little narrower and leave the height at 10 ft.

Chairwoman Vierheilig: stated she is against the 10 ft.

Mr. Lauber: stated, if the sign is made wider, more of the moving traffic out of the parking lot is blocked.

Chairwoman Vierheilig: asked if the drawings received reflect the changes.

Ms. McManus: stated she did not know; she had not seen the plans.

Councilman Kahwaty: asked if it was unusual to change one dimension and not the other.

Ms. McManus: stated usually the height and total area are identified.

Mr. Madaio: stated we could end up with an 80sq. ft. sign of a different shape than what the Board is envisioning; asked if there was a height limit.

Ms. McManus: stated 8 ft.

Chairwoman Vierheilig: asked if 8 ft. was for the sign to be located on Franklin Avenue.

Ms. McManus: stated the applicant's request would be to have the larger sign on Colonial; the Board can comment to the Council on this issue for final adoption.

Chairwoman Vierheilig: asked if the Board had a concern regarding a larger sign being placed on the residential side.

Ms. McManus: stated although Colonial is the secondary frontage, it is the one closest to the regional highway.

Mr. Linz: stated he would rather not see the larger sign in the middle of a residential area.

Mr. Sheppard: stated there will be signs on stores as well as signs on the monument; his concern is he doesn't want the sign to be too big but he does want the motorists to see the sign when coming off of a major thoroughfare; for identification purposes, this sign is more in proportion.

Mr. Lauber: agreed; stated the sign is going to be perpendicular to the residential area.

Mr. Sheppard: asked how far away the sign would be from the residential area.

Ms. McManus: stated the ordinance does not specify; the applicant wants to keep the sign by the entrance.

Mr. Madaio: stated the location of the sign can be moved during the site plan process; the actual location of the sign will be on the site plan; the Board can make recommendations about moving it.

Mr. Sheppard: asked if a distance can be added between the monument sign and the residential area.

Ms. McManus: stated she wouldn't want to prohibit signs with the addition of location and distance to residential areas.

Mr. Sheppard: stated he is less concerned about the distance on Franklin Avenue; if you don't see a name on the monument sign you will see it on the building.

Ms. McManus: stated the larger sign should be on Colonial; this is the primary street frontage.

Mr. Linz: stated the residents on Colonial will have the biggest impact; we should minimize the impact as much as we can.

Ms. Mucci: concurred.

Councilman Kahwaty: asked if the difference in square feet was substantial.

Ms. McManus: stated no; the total area permitted for the sign structure is the bigger difference; result is in a larger lit area; primary impact is the lighting and the nighttime visibility.

Mr. Linz: asked if the signs would be backlit.

Ms. McManus: stated she did not know, but backlit signs are permitted; the signs are usually internally illuminated.

Chairwoman Vierheilig: stated the plans state the signs are externally illuminated.

Councilman Kahwaty: asked if the sign could have an irregular shape, e.g. oval.

Ms. McManus: stated there is nothing to prevent an oval shaped sign in the ordinance; has not seen an ordinance that regulates the shape of a sign.

Chairwoman Vierheilig: asked if the Board wanted to keep the secondary street frontage as Colonial and the primary on Franklin; does the Board want a larger sign on Franklin.

Councilman Kahwaty: asked if there would be a traffic study done during for the site plan application; the conclusions from this study might have a bearing on the Board's decision.

Ms. McManus: stated a traffic study is required unless a waiver is not requested.

Mr. Madaio: stated the Board did not want it to be the applicant's choice; the issue is where the Board wants the bigger sign to be placed.

Councilman Kahwaty: stated the Board was making an assumption as to where the primary traffic is coming from.

Mr. Lauber: asked if the entrance could be moved up closer to the building and then the sign could be located closer to the building.

Chairwoman Vierheilig: stated she believes that the sign is shown where it is because of traffic possibly backing up.

Ms. McManus: stated she believed the issue was to balance the residential concerns with seeing the sign.

Mr. Sheppard: stated it is a large sign directly across the street from a residential area; this is not a commercial area; the location of the site is far into a residential area; asked if we can limit how late the sign can be lit.

Ms. McManus: stated there are lighting requirements; they can be shut off by a certain time after the close of business; has to confirm this in the sign ordinance.

Mr. Madaio: stated it seemed the consensus was to leave the signs at the locations they are proposed at this time.

Chairwoman Vierheilig: stated the smaller sign will be on Colonial.

Mr. Madaio: confirmed the potential flip was not happening.

Mr. Sheppard: asked if a sign was needed at that location at all.

Ms. McManus: stated a provision can be added to the ordinance; can be considered as part of the site plan application.

Mr. Madaio: stated it can be placed in the ordinance; the freestanding signs only; when they should be shut off.

Ms. McManus: stated the typical provision is the signs are shut off an hour after the close of business; no earlier than 11PM to shut off the signs.

Chairwoman Vierheilig: stated the time the lights are turned off should be set at 11:00PM.

Mr. Sheppard: stated his concern for signs to be lit until 11:00PM in a residential area; asked if it will matter that the signs are lit when the parking lot is there and will be lit.

Ms. McManus: stated lighting is the primary impact to residents who live by a commercial area.

Mr. Linz: stated the height of the down lighting makes a big difference.

Ms. McManus: stated the ordinance has a maximum height for light fixtures at 25 ft.

Mr. Sheppard: stated that is very high especially when across from a residential area; suggested the height be lowered to 15 ft.; the second floor of a home should not be looking out at a bulb.

Ms. McManus: stated this can be combatted by requiring the lights be completely shielded; will see light spill but not the bulb; further stated there is no way to fully eliminate the impact from light fixtures; asked if the Board wanted smaller, lower lights or wanted to allow for taller fixtures and less of them.

Mr. Madaio: stated the height of lighting fixtures is not a matter before the Board but it can be added.

Mr. Linz: stated the lights on Colonial Road have down lighting and are pretty high; they splash quite a bit of light.

Chairwoman Vierheilig: asked if a provision can be added to the ordinance to specify the lighting plan be submitted to the Board; would like to see how the lighting will affect the houses across the street.

Ms. McManus: stated a requirement can be added regarding seeing details of the lighting; do not need the ordinance to specify; it is specified in the checklist; additional language can be added.

Chairwoman Vierheilig: stated there is already language regarding lighting under “design standards:” maybe further language can be added so a discussion regarding lighting can take place during the site plan application.

Mr. Lauber: asked for Boswell Engineering to verify the fact that there is no longer Lots 23 and 24 in Block 1418.

Mr. Lauber: asked about the bulk numbers associated with the property; RB-2 zone; max building height is 230 ft.; that requires a star that will say the height exception to 40 ft. is allowed.

Ms. McManus: stated she structured it as 2 stories 30 ft. in the table; a star can be added to indicate to anyone reviewing the ordinance that they can go up to 40 ft.

Mr. Lauber: referred to architectural lighting that faces up; asked if it was permitted.

Ms. McManus: stated she did not believe it was prohibited in the ordinance.

Mr. Lauber: stated he believed we should check the ordinance and to find out what the Borough's policy has been.

Mr. Madaio: stated the questions this evening were not about the site plan; the question is if the Board is satisfied that there is a section in the ordinance that upward lighting can be used to light a building façade; what we are shown today may not be what is presented; the Board is working on the ordinance; if there is an ordinance regarding architectural lighting then the Board needs to be aware of it; agrees with Mr. Lauber.

Ms. McManus: stated there is nothing in the lighting section of the ordinance.

Chairwoman Vierheilig: stated she is fine with up lighting if it is done tastefully and we will not know what it will look like until we see the plans.

Mr. Madaio: stated the Board should not deal with it at this time.

Mr. Sheppard: stated, in regards to signage, there are stores on either side and the Board is being asked to approve four signs; signs on monuments, signs on the front and signs on the building.

Ms. McManus: referred to section 7, c, item 2; (read aloud from the ordinance); retail tenants will have signs on the front of the building and the medical tenants will have signs on the back.

Mr. Sheppard: stated he believed the sign on the side should be removed; a tenant would have the choice of one sign and in one place.

Ms. McManus: stated it is an option for the Borough; the ordinance allows for one sign along the front façade; this building has 2 fronts.

Mr. Sheppard: stated if a 100 sq. ft. sign is allowed then the tenant will request the biggest sign; there will be big signs in our little town and a lot of them.

Mr. Lauber: asked if there would be signs on the back of the building.

Ms. McManus: stated tenants that access from the back of the building would have a sign.

Chairwoman Vierheilig: confirmed that the signs on the front of the building are illuminated but those on the side are not.

Ms. McManus: stated that was correct.

Mr. Sheppard: stated signs on the side of the building are overkill; already have name on monument sign; the tenant can have a choice; name on monument sign or name on the side of the building; this isn't Route 17; the ordinance allows for a very big sign; end units can have a 100 sq. ft. sign; the size of the sign needs to be reduced.

Chairwoman Vierheilig: asked about sign ordinances in other towns.

Ms. McManus: stated 10% is common and so is 100 sq. ft.; depends on the town; some towns stop at a percentage; sometimes coupled with a percentage.

Chairwoman Vierheilig: asked if the Board wanted to eliminate a sign on the side of the building.

Applicant's attorney was present and briefly discussed signs and lighting on the site.

Mr. Sheppard: stated his concern is this site is directly across the street from a residential area; another site that was open late in the town had no residential area around it; signage and lighting is a concern at this site.

Mr. Joseph Burgis, Burgis Associates, applicant's planner: suggested language which will reinforce the architectural design detail; language to state the types of architecture that is encourage in the town; maximum size of commercial businesses should be limited to 20k sq. ft.; insert two words: "individual" and "tenant; no individual tenant can have more than 20k sq. ft.; historically in the ordinance different parking standards

where used for different types of retail uses in commercial sites; as tenants come and go, they are always trying to make sure they have the appropriate range of different uses in regulation to the number of parking spaces; you end up arguing over the equivalent of 2-3 parking spaces; in centers such as this one, a blanket standard of 1 space per 200 sq. ft. would work; over the past number of years he has consistently recommended this to his municipal clients;

Ms. McManus: stated the parking requirements should be simplified; the Mayor and Council needs to consider that this zone creates the need for an alternative parking standard; she is a little wary that different standards will be set for this particular zone.

Mr. Burgis: stated they want to encourage restaurant users; a small number of seats does make a difference; if they were to lose seats in order to meet a parking standard you quickly have a restaurant that goes out of business; in terms of signage, agrees with Ms. McManus that is is very typical to have 10% of the façade feature in the ordinance; only time 5% is used is in large shopping malls; the 6 ft. height limitation on the monument signs adversely affects the ability to read the sign; a car ahead of another car will block the sign almost entirely.

Chairwoman Vierheilig: asked how the Board felt regarding the 10%; should there be a sign on the side of the building; should the primary and secondary frontages be flipped.

Mr. Lauber: stated he believed the sign on Colonial should be raised.

Chairwoman Vierheilig: stated the bigger sign should be on Colonial and there should be no signs on the side of the building.

Ms. McManus: confirmed the Board wanted to flip the signs and no façade signs would be allowed on Colonial Road, on both sides.

Mr. Madaio: stated the primary street frontage for the sign may be oriented towards Colonial and that is 8 ft.; the maximum area shall be 80 sq. ft.; secondary street frontage shall be 60 sq. ft. (read aloud page 7, c; striking it.)

Ms. McManus: stated the ordinance refers to both RB-1 and RB-2; should have a caveat for RB-2 only; maybe the Board's concern is not the direction the sign faces but that the Board does not want individual tenants having multiple wall signs; tenants can have one wall sign and they can choose where it is placed.

Mr. Madaio: stated, for the purpose of commenting on the ordinance, there is no change except for the switching of the primary and secondary street frontages in regards to the signs; c 2 (read aloud); asked if the Board was adding or deleting the sign on the side of the building.

Ms. McManus: stated the language will have to be amended not only to reflect that the Board is recommending one tenant sign and they choose the location, but that this is only for the RB-2 district; we would craft the language for RB-2; keeping the 10% and 100% maximum sq. ft. and allow for the sign to be placed on the rear but more clearly that it is just one sign and leave the location out.

Mr. Madaio: asked if Ms. McManus was okay with the uniformity and look if a tenant decides to put their sign on the side of the building when all the other signs are located on the front façade.

Ms. McManus: stated it ultimately depends on the architecture of the building.

Mr. Sheppard: asked if there would be signage over the main entrance.

Mr. McManus: stated the signs are required to be oriented towards Franklin but it doesn't say that the tenants have their primary entrances towards Franklin; further stated, if the primary concern is the residents across the street, there will probably be signs facing the residential district other than those facing Franklin Avenue.

Chairwoman Vierheilig: stated we don't want a store with two signs, just one sign.

Mr. Madaio: asked why the signs could not just face the front.

Ms. McManus: stated for the southern property that works quite well except for the medial tenant; the complication arises with the northern zone; there are tenants that are not facing Franklin Avenue but are facing the interior of the site; the idea of permitting one sign regardless can help address that; can't stop the sign from being on the side.

Applicant's attorney: stated the signs in the zone are grandfathered in; every time there would be a change a variance would be needed.

Ms. McManus: stated there are two strategies; one is to simply permit one wall sign per tenant and they can place it where they want; alternatively, to eliminate signs facing Colonial Road; where multiple store facades exist, they could be allowed to unless other side was facing Colonial Road; feel the primary concern is that the Board does not want

this site to be covered in signs; visually cluttered; this can be addressed by cutting down the number of signs; may end up only affecting a couple of signs.

Mr. Sheppard: stated this doesn't guarantee conformity; across the street the signs are grandfathered in; we are talking about one tenant applying for a variance; we should limit the sign panel on the monument sign that is on Franklin Avenue, as well as, the one on Colonial; Franklin might have multiple store listed on it as well; we want to keep the signs on the front of the building.

Ms. McManus: asked if the concern was with the sign location or the number of signs, or both.

Chairwoman Vierheilig/Mr. Sheppard: stated both.

Ms. McManus: stated there will be a separate paragraph for each zone.

Mr. Madaio: stated the change is to the primary street frontage from Franklin to Colonial; needs Ms. McManus to make everyone comfortable with the primary street frontage of those freestanding signs and the page before we discussed things in terms of street frontage and the other street; further stated frontage alludes to two different things.

Ms. McManus: stated she will alter the language so as not to have confusion down the road; in regards to Mr. Burgis' comments, supports the comment regarding F-1 (a); second item not substantive; concept regarding parking is good; having trouble changing parking for this zone only; should be consistent.

Discussion had at this time between Mr. Madaio and the applicant's attorney regarding parking.

Mr. Madaio: stated the ordinance for the Board to review is the one before the Board this evening; the parking ordinance is separate; the parking ordinance has not be referred to the Board to review; further stated he would recommend to the Mayor and Council a fixed ratio of parking at an appropriate number and then the Mayor and Council can choose the number; will try to get a letter consistent with the recommendations made this evening to the Mayor and Council in the morning; will email to Ms. Berardi for distribution; in addition, Mr. Madaio stated he believes the ordinance complies with the goals set forth in the Master Plan; there is a small deviation; the reexamination recommended the zone be split into two zones; this is being done but without the inclusion of residential.

Motion to approve comments as discussed and the integration of the Master Plan questions: Councilman Kahwaty, Sheppard

Ayes: Councilman Kahwaty, Lauber, Chairwoman Vierheilig, Linz, Sheppard, Mucci

Ordinance No. 1657 – Land Use Enforcement Provisions

Councilman Kahwaty: stated this ordinance was introduced on February 16, 2016; it went through at the Mayor and Council meeting held on March 2, 2016.

Mr. Madaio: stated Ordinance No. 1657 is an enforcement provision of the Borough's ordinance; there is an enforcement provision for violating the ordinance but it has been expanded to include the violation of any approved plan.

Motion to approve: Sheppard, Councilman Kahwaty
All in Favor

Ordinance No. 1660 – Prohibit Clothing Bins

Mr. Madaio: stated this ordinance is in regards to clothing bins; at this time clothing bins are permitted in certain districts; this ordinance states clothing bins are not allowed in any one in town; however, they are allowed in designated areas at the Borough's recycling center.

Motion to approve: Sheppard, Linz
All in Favor

Approval of Minutes: Councilman Kahwaty, Linz

May 6, 2015

June 17, 2015

All in Favor

Oral Communications: None

Vouchers: Councilman Kahwaty, Linz

Mark Madio, Esq. – Planning Board Attorney

Meeting attendance, February 17, 2016: \$300.00

Motion to Adjourn: Sheppard, Councilman Kahwaty
All in Favor

Meeting adjourned at 10:00PM

Respectfully submitted by:

JoAnn Carroll
Recording Secretary
March 6, 2016