Borough of Franklin Lakes
Bergen County, New Jersey
Planning Board Minutes
August 3, 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, Messrs. Gostkowski, Lauber, Pullaro, Chairwoman Vierheilig, Messrs. Lazerowitz (absent at time of roll call; arrived at 7:45PM), Linz (absent), Sheppard (absent), Ms. Mucci, Mr. Ochs (absent)

Fire Safety Announcement: Read into the record by Chairwoman Vierheilig

Also in Attendance: Mark Madaio Esq., Board Attorney; Ms. Eileen Boland, Boswell Engineering/Board Engineer; Ms. Elizabeth McManus, Borough Planner; JoAnn Carroll, Recording Secretary

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Board Discussion: None

Approval of Minutes:
July 6, 2016:
Corrections:

- Page 3: paragraph 7; change "Mayor Bivona" to "Mr. Madaio"
- Page 4: paragraph 2: change "Mayor Bivona" to "Mr. Madaio"
- Page 8: paragraph 2: change ratio of 1/2000 to 1/200
- Page 9: paragraph 10: reword stating Mr. Pullaro was quoting Mr. Basralian that the development was the most important in Franklin Lakes in the last 20 years.
- Page11: paragraph 2: last line; add the word "to" between "it" and "be"

Motion to approve with corrections: Councilman Kahwaty, Pullaro
All in Favor

July 20, 2016: No corrections
Motion to approve: Councilman Kahwaty, Pullaro
All in Favor

July 27, 2016: carried to the August 17, 2016 meeting

Oral Communications: None

Gabrellian & Jega, Franklin Avenue, Block 1518, Lots 2 & 5.01; Completeness Determination & Public Hearing (1st Hearing 7/6/16 not heard) (1st Hearing 7/27/16 no heard)

Joseph Basralian, Esq.: applicant's attorney; representing Jega Inc. and Gabrellian; the application is for an existing shopping center; has been in ownership for over 40 years; expanded over 30 years ago with the new entrance to Franklin Avenue along with the light and the development of the buildings to the north; the main part of the building was utilized as a supermarket years ago; it was then utilized as a parts store; it was then broken up into retail and office uses throughout; the entire shopping center has been hooked up to the sewer system; this is good for both the Borough and the shopping center; tried to install another restaurant a few years ago but was not able to because the septic system couldn't handle it; Mr. Gabrellian represented to the Borough last year that once the Franklin Lakes Towne Square application was approved he would upgrade the existing center; supplied copies of what is proposed; those improvements could be made with a building permit; the application is before the Board for site plan approval with respect to the realignment of some of the access and additional parking spaces; the field in the back was eliminated so the parking could be increased; there are limitations with what can be done with the existing building; the building is almost entirely brick; all but two of the variances are pre-existing; one is the elimination of the loading dock; this was used for the supermarket and the parts store which are no longer there; another variance which was identified in Ms. McManus' report is for the number of trees in the parking area; Mr. Lapatka has spoken with Ms. McManus regarding locations for trees in the front of the property; the problem with trees in the front of the center is the front parking spaces are the most valuable to the tenants; when those are eliminated, accessibility is also eliminated; (exhibit list distributed to the Board).

Motion to deem application complete and open public hearing:
Councilman Kahwaty, Mayor Bivona
All in Favor

Mr. Madaio: asked if the lots were being consolidated as they were in the last application, Franklin Lakes Towne Square.

Mr. Basralian: stated there will be a conveyance of lots; there is no consolidation or re-subdivision involved with this application.

Please note: Mr. Lazerowitz has arrived at this point of the meeting; 7:45PM.

Mr. Lapatka, Lapatka Associates: architect for the applicant; sworn in by Mr. Madaio; gave his background; accepted as an expert in the field of architecture; Mr. Lapatka prepared the exhibits listed as B1-C1; C1 is a colored rendering of

the site plan with landscaping; there is a grass area presently in the front of the site where the septic system was located that serviced the site; in the rear of the site there is another grass area where the septic system that serviced the building across the street were located; it went across Franklin Avenue and between two buildings; recently hooked up to the sewers which frees up those areas; proposing to make certain improvements to the parking lot and increase parking; in regards to the easterly building, by eliminating the septic system, a center row of parking spaces is gained; this is important because it gives a circular traffic pattern for drivers that is not present now; in extending the front row, 7 new parking spaces are picked up; this is the most important area because it is the closest to retail; discussed with Ms. McManus and Ms. Boland the idea of putting a tree in the property to break it up and to take out the middle space of the middle row of parking and create an island and plant a tree there; will have 6 additional spaces in front and 7 after the change; the total parking would be reduced by 1; behind the westerly buildings is where the biggest change will take place; there is a row of utility lines and poles which are unsightly; they are basically right in the middle of where the parking would be; proposing to remove those poles and put all the wiring underground; met with the utility company a year or so ago and a tentative agreement was reached with them; the poles along the property line will be kept; the last pole on the property line and on will have the wires go underground to a transformer located in a new island then underground to the buildings; at present, the pavement behind the buildings goes practically up to the rear of the buildings; proposing to pull the pavement away from the building approximately 13 ft.; will construct a curb and have a 10 ft. wide sidewalk; there are several back doors which will remain for code and function purposes; this gives storeowners flexibility now and in the future to have rear entrances to their facilities; proposing several narrow landscaped beds in between the walks to the doors; this will break up the rear of the buildings; only so much can be done with the rear of a building; by creating the island they are making the traffic pattern more friendly; people can travel clockwise and counterclockwise around it; trying to create a nice parking lot which would hopefully encourage people to park there and gain access to the westerly buildings; between the two buildings there exists a narrow walkway; proposing to replace it with a wider walkway with planters on the sides of the walkway to make it look friendlier and more secure; proposing, in the front between the two buildings, a trellis with an arch in it that people could walk through; basically adding a lot more parking; another area of change is in the front of the two westerly buildings; there is diagonal parking with one way circulation traveling to the east; proposing to make that a 2 way circulation and create perpendicular parking; gains about 4 spaces in doing this; allows people who are in the front of the buildings to travel to the west and exit from the westerly driveway; these cars can now exit the site without having to go through the signalized intersection; reducing the queuing; people that are traveling from the building on the right or rear could make a right hand turn in front of the stores instead of waiting at the light; the visitors are going to find the best way to leave the site; picking up 4 spaces and improving the circulation; the revision date of C1 is 6/28/16 with a prior revision date of 5/5/16; has met with the County and revised the plan per the County's comments; only change was the restriping and designation of the exit

driveway lanes; there will be 2 lanes exiting; 2 on the right will be right turn only and the one on the left will be straight and a left turn; did that at the County's request.

Mr. Madaio: asked for clarification; asked if the lane at the western end of the site will be right turn only and at the center of the site would be straight or left but no right turn.

Mr. Basralian: stated the existing lane on the west will be right lane turn out; the east is straight and a dedicated left hand turn.

Mr. Lapatka: stated the County is still reviewing it; the other option is to make the right hand lane right and straight and the left lane left hand turn only.

Mr. Basralian: stated they would receive a dedicated right or left turn only depending on the County.

Mr. Lapatka: stated the other change was the addition of a no left turn sign for people entering the site to turn in front of where the stores are located; the idea is that in case there are people queued up waiting to exit, you could end up with a gridlock; this was the County's request.

Chairwoman Vierheilig: asked if there would be a right turn on red allowed.

Mr. Basralian: stated yes.

Chairwoman Vierheilig: stated she wondered if the County would allow it.

Mr. Lapatka: stated they are not finished with the County; it is yet to be determined.

Mr. Lapatka: stated the plan showed they are picking up 45 spaces; one removed brings the number to 44; in addition to the tree island in front, they are proposing to modify and enlarge the westerly island of the rear triangular planter and get an additional tree in that area where it won't interfere with the lights; additional trees will be planted along the rear property line between the curb and the railroad.

Ms. McManus: asked for the number of trees.

Mr. Lapatka: stated there would be 4 along the rear; not sure about spacing; have to be cognizant of the light poles; they can't be blocked.

Mr. Lapatka: drainage: picking up ¼ acre of impervious surface; installing a subsurface retention system that will mitigate the increased runoff; **lighting**: entire new lighting plan for the site; same fixtures as across the street; if the engineer has concerns they will meet them; the lights have a controlled pattern and are dimmable; can change them after they are up; can change on a light

per light basis; **landscaping**: proposing decorative type shrubs in the island and a number of shade trees throughout the site to make it more attractive.

Mr. Basralian: stated the applicant is requesting a variance to eliminate the loading docks.

Mr. Lapatka: stated they are not loading docks but loading spaces; located out in the middle of the parking lot; no one really uses them; doesn't feel the stores need a dedicated loading space; could add a loading space but doesn't see the sense of it because of the small retail stores and office uses.

Mr. Lapatka: stated the applicant is also requesting a soil movement permit; need a certain variance or condition for existing non-conformities; the code requires a parking setback to the street of 2 ft.; the applicant has 0 at this time located in the front of the two stores; this condition will continue; keeping the same curb lines that currently exist; the parking setback to the rear is required to be 5 ft.; the existing setback is 2 ft.; proposing to continue; the minimum width for a one way drive is 18 ft. for the easterly building and 14 ft. for the west side of the westerly building; the minimum driveway width for a 2 way drive is 30 ft.; the applicant has 24 ft. at the westerly end of the property; proposing to continue with the same curb cut; curve return radii per code is a minimum of 35 ft.; they are proposing 25 ft.; similar to the last application; subject to County approval; they are pushing them to narrow the driveways; the letter Ms. Boland sent helped a lot; all existing driveways; only difference is if the County makes them reduce it.

Mr. Lapatka: stated there is a 10 ft. buffer required in the new zoning ordinance and the Board can elect to reduce it to 2 ft. without a variance; occurs along the easterly property line; in the rear by the dumpster it is probably 5-6 ft.; along the westerly property line and part of the rear is less than 10 ft.; there was a question in the reports about when they calculated the required parking the applicant used the 5/1000 ratio; they examined the restaurants a little more; there are 3 food places; they have a total of 60 seats and 23 employees between them at the peak period; the space that those restaurants take up, if they were retail would require 27 parking spaces; the restaurants, in this case, only require an additional 5 spaces over the 5/1000 ratio.

Mr. Basralian: stated this is the same issue they are always confronted with; they are limited because of the number of restaurants; need flexibility with parking; the desire is to have a sit down style restaurant; essential to have additional parking and beyond; there is a lot of first floor office space which could change to retail which would change the parking requirements.

Mayor Bivona: asked if the applicant was compliant with the ordinance with the line up they currently have.

Mr. Lapatka: stated yes.

Mr. Basralian: stated 182 spaces are required under the current ordinance.

Mr. Lapatka: stated there are 182 spaces plus 5 for restaurants; there is a lot of standard office space that would get calculated at 4/1000.

Mayor Bivona: asked if approximately 180 spaces were required.

Mr. Basralian: stated yes, and they are proposing 220 spaces.

Mayor Bivona: stated, in theory, this gives the applicant the room to have more restaurants at the site.

Mr. Basralian: agreed; and also to convert office uses to retail or put a medical office in.

Mr. Madaio: confirmed the applicant is building 219 spaces.

Mr. Basralian: stated the three current vacancies could be office or retail; this would change the amount.

Mr. Pullaro: asked how many spaces were located in the area which is east of the main entrance where the septic was located.

Mr. Lapatka: stated 8.

Mr. Pullaro: asked for confirmation that the grass area was gone and it would be parking.

Mr. Lapatka: stated yes; adjacent to the spaces there is an 8 ft. wide walkway proposed; trying to tie it into the street; there is a small variable with the planter adjacent to the sidewalk; wants the sidewalk off the curb for safety purposes; further stated the parking was calculated on a retail basis not office; flexibility is needed.

Mr. Pullaro: stated the applicant is required to have 180 spaces; they are proposing approximately 39 more; wanted to hear testimony as to why they are proposing 20% more than the requirement.

Mr. Lapatka: stated they want flexibility to change the tenant mix with other permitted uses that might require a higher parking demand.

Mr. Pullaro: stated the one green space in the front is being lost.

Mr. Basralian: stated the reason is because they lack parking spaces in the front which are the most valuable; the retail uses won't drive around to the back but the office uses will.

Mr. Lapatka: stated, by having the parking spaces in the front, over time, will attract quality tenants.

Mr. Basralian: stated the traffic pattern has been changed to make it easier to get around.

Mr. Lapatka: stated at this time it is a dead end; with the proposed pattern, a person could drive in a circular fashion to get in and out or to get to a different part of the parking lot.

Ms. Boland: stated she has received the new lighting plan; there will be the same requirements as the site across the street; the average footcandle will be 2 to start.

Mr. Lapatka: agreed.

Ms. Boland: asked how many dumpsters would fit into the enclosure; how many the enclosure was designed for.

Mr. Basralian: stated 2 large dumpsters side by side or a large and a small one behind it.

Ms. Boland: stated, as of this evening, there were 14 dumpsters on the site.

Mr. Lapatka: stated the applicant wants to consolidate the waste; voluntarily cleaning up the sites.

Ms. Boland: asked that they be shown on the plan to make sure it gets done.

Mr. Lapatka: stated there are 14 dumpsters on the site because each particular tenant has its own dumpster.

Ms. Boland: asked if the extra dumpsters could be removed.

Mr. Basralian: stated yes but it will take time; they will be phased out because the tenants have contracts with the private haulers.

Ms. Boland: asked what the timing would be to consolidate the waste and have the extra dumpsters removed from the site.

Mr. Basralian: stated each tenant has a different contract; it usually takes about 2 years.

Ms. Boland: stated there are a lot of dumpsters and it doesn't look good; the Board may want to consider a temporary enclosure.

Mr. Basralian: stated they are working hard on consolidating the waste but they don't have the authority to terminate the contracts the tenants have with the private haulers; further stated they will start to enclose them if they are still on the site in a couple of years.

Ms. Boland: asked for the applicant to agree to meet with the Fire Official for striping and signage.

Mr. Lapatka: agreed.

Ms. Mucci: asked for Mr. Lapatka to show on the plans were the additional 39 parking spots were to be located.

Mr. Lapatka: stated they are reconfiguring the parking; picking up 4 spaces by the westerly building; picking up 7 less 1 in front of the easterly building.

Mr. Mucci: asked how 6-7 spots were being gained in the front.

Mr. Lapatka: stated at this time, the area where the spaces are going to be built is where the septic system was; explained by referring to the plans; balance of the spaces are in the rear.

Chairwoman Vierheilig: asked if any trees were being removed in the front.

Mr. Lapatka: stated the existing trees along the street will remain.

Chairwoman Vierheilig: asked if any trees would be planted where the septic was located.

Mr. Lapatka: stated there are no trees there.

Chairwoman Vierheilig: asked if any trees were to be removed.

Mr. Lapatak: stated 5 trees are to be removed; 2 in the island because they are making the island smaller; another tree is being removed in the rear left corner of the site; there is an existing traffic island behind the existing building and that area will be paved; there is a tree in the island on the west side where the light pole is going to go.

Chairwoman Vierheilig: confirmed that 5 trees were being removed and 12 were to be planted.

Mr. Gostkowski: stated that some of the parking spaces are 10 ft. wide.

Mr. Lapatka: stated the spaces they are putting in will be 9 ft. in width; will be 9 x 18; there are a couple that are 10 ft. in width; the sizes will be mixed; the aisle widths are proposed at 24 ft. which is a standard size.

Mr. Pullaro: stated the applicant is proposing more spaces than are required; asked how far the applicant can go without the Board saying it is too much.

Mr. Madaio: stated the applicant can add as many spaces as they want until they run into an impervious coverage problem; the applicant is telling the Board that the site across the street anticipates a restaurant and effectively

they wanted some deviation before knowing where and how much; they anticipate a restaurant at this site; the 39 space overage is going to be gone the day they rent to a restaurant.

Mr. Pullaro: stated there are 3 restaurants at the site now; asked what would happen if a bigger restaurant was to become a tenant and the applicant would be required to have 10 more spaces.

Mr. Lapatka: stated the restaurants that are there are not restaurants in the commercial sense; the restaurants that are there, in his opinion, have a low seating per square foot ratio; if you have a regular restaurant and the purpose is to sit down and eat, you are going to have a higher seat to square footage ratio; with 6,000 sq. ft., you can have 200 seats; depends on the type of restaurant; if it was 6,000 sq. ft. with 180 seats it would require 30 more spaces; 60 would be needed for seats and 7 for probably 12-15 employees; there would be a parking requirement of 67.

Mr. Madaio: stated it is a net increase; netting out what has previously been retail; Mr. Lapatka's example demonstrates how quickly a larger restaurant would require more spaces.

Mr. Pullaro: stated the net would be less if there was a 9,000 sq. ft. restaurant with the same number of tables.

Mr. Madaio: stated the differential would be less; what is important is the idea Mr. Pullaro is driving at; there is too much coverage.

Mr. Pullaro: stated the small grass area is the only green space on the property; he is looking to save the green area.

Mr. Madaio: asked what green space could be saved without changing the parking profile; believes it is good to have extra parking.

Mr. Basralian: stated there is another factor; the parking was based upon the office use; the parking ratio jumps up with the retail and medical uses; the concept was to have people walk back and forth between the two centers; he is trying to protect the applicant from having to come back before the Board; makes sense to have the parking in the front where it is needed; this site is not the easiest to rent retail spaces; have to make the space attractive to tenants.

Mr. Madaio: stated the applicant's parking calculation is based on 5/1000 for 34,964 sq. ft.; asked if that is what the Borough Ordinance dictates.

Mr. Basralian: stated the Borough Ordinance differentiates between office and retail space.

Mr. Madaio: stated the Board is accepting the idea that the parking is 175 plus 5; it is not 175 because there has been no testimony offered as to how the square footage was broken down.

Mr. Basralian: stated the number is 181.

Mr. Madaio: stated the applicant calculated the entire center based on 5/1000 plus the 5 for the restaurants; the demand could be less because the office space demands less.

Mr. Basralian: stated the number has to be calculated on the conversion to retail.

Mr. Madaio: stated the number he will use is 175 plus 5; that is the demand until the applicant adds a restaurant or a medical use or more retail.

Ms. Mucci: asked if there was currently retail on the site.

Mr. Basralian: stated there is a lot of retail currently; restaurants are considered retail; there is a dry cleaner, an insurance agency and a liquor store which are all considered retail.

Mr. Madaio: asked if the Board felt there was too much parking.

Mayor Bivona: stated he likes to have extra parking but also likes green areas; doesn't mind having extra parking spots; the combination of the two centers will be okay if there are restaurants; asked if there was anything the applicant could do in the front to make it greener.

Mr. Lapatka: stated nothing could be done without losing a substantial amount of parking.

Mayor Bivona: asked if another tree could be placed in the front instead of a spot.

Mr. Lapatka: stated he could probably do something in the strip next to the sidewalk; could put in a couple of trees; will have to look at it carefully; the area ranges from about 4 ft. to 8 ft.; light poles are also a concern; it would be similar to the space between a sidewalk and a curb in a residential subdivision.

Mr. Pullaro: asked if the economics would be changed if four spaces were changed to landscaping.

Mr. Basralian: stated it would change the economics for the tenants in the front.

Chairwoman Vierheilig: asked if the sidewalk could be made narrower and if so, would that help with adding more trees.

Mr. Lapatka: stated the sidewalk could be reduced to 6 ft.; the question would be the distance between the trees.

Chairwoman Vierheilig: stated a smaller sidewalk with a landscaped plan may help with the layout of trees.

Mr. Lapatka: stated there are guide wires and a freestanding sign at that location; not sure if it would work; doesn't like the idea to have an island in the middle of the parking lot; will try to design something to add a tree.

Ms. McManus: stated she likes the idea of putting trees along the landscaped strip; thinks reducing the sidewalk to no less than 6 ft. would work; a landscaped island in the middle of the parking lot may be a problem with snow plows, etc., but thinks having it will help with the breakup of the large expanse of pavement that will be visible from the street; it will provide more greening of the site because it is in the middle of the paved area.

Mr. Pullaro: asked Ms. Boland if the impervious coverage allowed was 85%.

Ms. Boland: stated yes.

Ms. McManus: asked about the bicycle parking; parking shown in the rear; wants it to be convenient for people.

Mr. Lapatka: stated the bicycle parking would be broken up with some in the front; stated he did not want it on the sidewalk.

Mr. Basralian: stated, in respect to the improvements being made, the plans were submitted to demonstrate what was being done with both buildings; site plan approval is not required; a building permit is what is required; the applicant is before the Board for site plan approval and not for an architectural review; the plans do comply with Ms. McManus' letter; the elevations and details were submitted with the application; Mr. Dahn was not going to testify.

Ms. Elizabeth McManus, Borough Planner: sworn in by Mr. Madaio.
Mr. William Dahn, Dahn & Krieger, applicant's architect: sworn in by Mr. Madaio; gave his professional background; accepted as an expert in the field of architecture.

Ms. McManus: asked if the applicant has provided a colored rendering of the plans.

Mr. Basralian: stated no.

Ms. McManus: stated she understood that the architectural design was to be similar to what had been seen before; asked if the applicant could confirm that the material and colors would be the same.

Mr. Dahn: stated the existing building has a lot of brick; the brick will not be stripped off; the colors are not the same as across the street but they will be complimentary; they will not clash.

Ms. McManus: asked if there would be unifying elements.

Mr. Dahn: stated the dryvit will be carried across the street; very different buildings as far as scale is concerned; connections will be made when the façade renovations are done.

Ms. McManus: stated she felt it was important that the two sites were not a mirror image of one another but they should be coordinated.

Mr. Dahn: stated the signs would be mounted to the roof or tucked into the eaves; neither is an ideal situation; modifying the facades to provide locations for the signs; will be beneficial for the tenants to be identified.

Ms. McManus: asked, in terms of the façade amendments, if the material of the columns between most of the tenants would be changed from masonry to brick to further enhance the appearance of the building.

Mr. Dahn: stated the building is unlike the one across the street; it doesn't have a continuous pane of glass; the area where the cast stone is going up is being kept.

Ms. McManus: referred to SK-01, building elevation; asked about the columns on each side of the storefront.

Mr. Dahn: stated the main portal was actually to make the piers out of brick; the plans would be amended to reflect the brick.

Ms. McManus: stated that would be a positive change.

Mr. Madaio: asked for the change to be stated.

Mr. Dahn: stated the portal that surrounds the east building with the highest new parapet will be framed in brick instead of the stucco panels; it will go across also; will not mismatch the brick; there are three different colors across the street.

Ms. McManus: asked if there was an opportunity for a similar amendment where the columns would be converted to brick.

Mr. Dahn: stated he would have to see; the piers between the tenants are a limestone; they are not in great shape; the idea was to try and keep them; has to get into the details on how they are skinning the building; may introduce the brick at the far east side/SE corner where there is an element jutting out from the building that contains the stair tower; may introduce at this location and wrap it around the corner.

Ms. McManus: stated she liked that idea; in addition, regarding the building to the west, asked if there was an opportunity for similar amendments around the Subway tenant.

Mr. Dahn: stated a cast iron trellis is being shown that spans between the two buildings; it gives the opportunity for people to walk through and take advantage of the parking in the back; doesn't know about the brick at that location; needs to review it more.

Ms. McManus: asked about the building conditions and aesthetics.

Mr. Dahn: stated if the building were a big portal of brick it would look out of scale; doesn't want to add more vertical elements; there is a band across the windows directly above; there is an option to accentuate the corner and make an element out of the corner and play that up in brick.

Ms. McManus: stated a condition of approval could be that the brick is incorporated into building 799 and that the architecture of building 801 at the SE corner be amended as worked out by the applicant's architect and the Board Planner; can work together to create more of a building difference.

Ms. Mcanus: stated she wanted to confirm the windows on the first floor facing Franklin Avenue were transparent.

Mr. Dahn: stated they all look clear; the liquor store took out some of their windows; where the windows should exist on one side there is no glass; the applicant will remove the blank wall and replace the window.

Ms. McManus: stated there is a design required that the windows be clear.

Mr. Basralian: stated they would need a variance for it to be opaque.

Mr. Dahn: stated Mr. Gabrellian does not want that area to be a solid wall; will need a variance for it to be opaque.

Ms. McManus: asked if the mechanical equipment will be placed on the roof and screened.

Mr. Dahn: stated the existing equipment and furnaces are inside the building; thinks there are only condensing units outside.

Mr. Basralian: stated some of them are on the ground behind the stores to the west of the buildings.

Ms. McManus: stated her last comment was in regards to signage; the applicant shows conforming signs; the applicant will have to go to the Zoning Officer for sign permits; proposing a 68 ft. identification sign on the Franklin Lakes shopping center building; believes that is not a permitted sign; the Ordinance requires the signs to identify a particular tenant instead of the shopping center as a whole.

Mr. Basralian: stated the same sign for the Franklin Lakes Towne Square is across the street; needs to differentiate between the two; thought it was necessary to have this kind of identification.

Chairwoman Vierheilig: asked why a variance was not needed for the sign across the street.

Mr. Dahn: stated because it is located on the second floor; the sign located on the façade of building 799 that reads "Franklin Lakes Shopping Center requires a variance; it is 68 sq. ft.; this building has some office space at a lower level; asking for some signage; have a sign panel shown on the façade that faces Franklin Avenue that is 36 sq. ft.; it has slots for the tenants in the basement; the Borough's Ordinance is based on signs on frontage façade areas; the lower level tenants do not have façade areas; there are currently signs at the site but he did not know if they were permanent.

Mr. Madaio: asked if the downstairs space was calculated into the parking.

Mr. Basralian: stated yes.

Chairwoman Vierheilig: asked if there was a freestanding sign at the site.

Mr. Dahn: stated yes there is an existing sign and it will not change.

Mr. Madaio: listed the variances/conditions: (please note: there is no variance required for parking)

1. Identification sign located on the front of building 799
2. 36 sq. ft. sign also on building 799 identifying the lower floor tenants
3. Elimination of the loading space in the middle of the parking lot; variance for 7; one may not be a variance.
4. Ability to vary the buffer from 10 ft. to 2 ft. in the event the Board believed that was acceptable
5. Trees; eliminating various trees; the amount being removed is 5; planting 12; net gain of 7; plus the trees the applicant is adding.
6. Reducing sidewalk down to 6 ft. if necessary to provide for more trees

Mr. Lauber: asked how the Board was handling the variance regarding the sign since it had not appeared before the Board before.

Mr. Basralian: stated the sign was always shown on the plans.

Mr. Lauber: stated the building plan was not before the Board.

Mr. Madaio: listed the conditions of approval:

1. Signage must conform
2. Portal, at the highest entrance near the new parapet to be framed in brick
3. Stair tower in the SE corner in brick

4. West building: add brick when possible; band around the windows to accentuate the corner
5. Brick to be incorporated in buildings 799 and 801 at the SE corners as agreed upon by the applicant's architect and the Borough Planner
6. Remove dumpsters to create 4 uniform dumpsters to fit within the enclosure as contracts expire
7. If the extra dumpsters are not removed in 2 years time, a temporary enclosure must be erected for them
8. Meet with the Fire Official; subject to his comments
9. Add trees in the driveway strip at the entry
10. New lighting plan to be submitted to Boswell Engineering; lighting to start with 2 footcandles; subject to adjustment
11. Add trees along the rear

Motion to close public hearing on this application: Councilman Kahwaty, Lazerowitz
All in Favor

Mr. Pullaro: stated he still has a concern about the lack of green space; doesn't feel eliminating a couple of spaces breaks the whole shopping center; would like the grass area to remain.

Motion to approve with the granting of the variances and the conditions of approval as previously stated: Councilman Kahwaty, Mayor Bivona
Ayes: Mayor Bivona, Councilman Kahwaty, Gostkowski, Lauber, Pullaro, Chairwoman Vierheilig, Lazerowitz, Mucci

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A.C.M. Custom Homes, Major Subdivision, 628 Navaho Trail & 639 Pawnee Lane, Block 3103.02, Lot 12, Block 2101.4, Lot 7; Completeness Determination & Public Hearing

Please note: Councilman Kahwaty has recused himself from this application.

Motion to deem the application complete and open the public hearing: Mayor Bivona, Lauber
All in Favor

Les Andersen, Esq., Andersen & Holland, applicant's attorney
Mr. Mark Palus, MAP Engineering, applicant's engineer: sworn in by Mr. Madaio; gave his professional background; was accepted as an expert in the field of engineering.

Mr. Andersen: stated there are two existing lots; the owner of the 639 Pawnee Lane property is Michael and Margaret D'Alessandro; the owner of the 628 Navaho Trail property is Joseph and Eleanor Latka; A.C.M. Custom Homes is the contract purchaser.

Mr. Madaio: stated, in short, a portion of the two existing lots will be taken to create a third lot and the third lot will be purchased by A.C.M Custom Homes.

Mr. Andersen: stated the applicant is proposing to subdivide portions of the two existing lots and combine the subdivided portions into a third lot; the third lot will conform with the zoning ordinance and the other two lots will also conform with the zoning ordinance with the exception of the lot owned by the D'Alessandros; there is an existing pool with an existing setback of less than 25 ft.; the pool is to remain; Mr. Palus will testify and Mr. D'Alessandro will address the required variance for the pool; but for that variance, this application would be a minor subdivision.

Exhibit A1; Preliminary and Final Major Subdivision plat; dated through 3/12/16; prepared by Mr. Palus

Mr. Palus: stated the applicant had appeared before the Board approximately 9 months prior; at the time the applicant was just looking at Lot 12; that lot is more than 80,000 sq. ft. where 40,000 sq. ft. is required; tried to just subdivide that property; would have 40,000 sq. ft. on each lot and two building lots; through some creative lot line configuration this was accomplished; there wasn't a sense of comfort with the Board with this plan; the plan was then reconfigured; the applicant was able to secure the right to purchase a portion of the Latka parcel; there are now two lots: Lot 12 and Lot 7; both are located in the A40 zone; both are in excess of 80,000 sq. ft.; proposing Lot 12.01 at the end of the cul-de-sac on Pawnee; reviewed bulk requirements; each lot is fully conforming except for the existing pool and patio on Lot 12; the pool is not located where the lot line has been adjusted; only non-conformance on the plan; also did a topographic survey on Lot 12.01; sheet 2 of the plans; also did a soil test and found it was adequate for septic; provided a conceptual lot grading plan; the intent was to make sure they are creating a viable building lot; have shown conceptually on sheet 2 of dwelling; rough footprint that can be developed on the property; it is understood that a specific home, a site plan and a soil movement application would be reviewed by the Borough's professionals; demonstrated that the home would be conforming; there are some steep slopes on the property; did a steep slope analysis; showed it was conforming; there are no environmental restrictions; no streams or wetlands; reviewed the DEP website which identifies different streams; the nearest wetlands are on the other side of Navaho Trail Drive; fairly typical neighborhood in the A40 zone; existing single family homes; the house on Lot 12.01 would be a single family home; would use Municipal gas; believes a well would be needed on 12.01 as well as a septic system; ample spot for septic.

Mr. Andersen: stated there is a right of way easement at the end of Pawnee Lane that was created in 1973 from Urban Farms for a predecessor in title for the D'Alessandro tract; it provides that if it is needed there is access to the property to the west; if not needed, it will terminate by its terms; once the property is fully developed it will either be used or go away; it is an existing right of way easement that runs with the land; not a Borough easement; it is an easement for whomever acquires the property to the west.

Mr. Madaio: referred to the lower left hand corner lot; Lot 31.03; stated that if that property was developed and there was no access to it, this right of way is the access to it.

Mr. Palus: stated it is unusual because that lot has frontage on Pawnee Lane; the only other thing he could think of is that section on Pawnee Lane is very steep and getting up and into it can be difficult.

Mr. Andersen: stated it is an easement between property owners; it does not mean the Borough has agreed to it.

Mr. Madaio: stated it is not beneficial to Lot 7; it is a burden on Lot 12 and will continue to be a burden on Lot 12.01.

Chairwoman Vierheilig: asked if Lot 31.01 was developed.

Mr. Palus: stated this is the lot that has been under construction for a long time.

Chairwoman Vierheilig: asked if the easement is needed for the construction going on.

Mr. Palus: stated no; there is already a driveway roughed in; they are not using that land anyway; the easement goes away once the lot to the west is fully developed; no impact on the new lot; unusual situation.

Chairwoman Vierheilig: asked if a pool could be accommodated on the new lot.

Mr. Palus: stated there is a limited area of disturbance line; that line meets the restriction under the steep slope development; anything within that line is acceptable; if a pool was proposed, the house might be pulled forward a little bit; there are options.

Ms. Boland: stated there is a portion of the ordinance that requires the lowest floor to be above the ground water and with the model numbers it looks like the ground water is 4-5 ft. above the test holes.

Mr. Palus: stated it is set up as a daylight basement to the side.

Ms. Boland: stated it is a requirement of the ordinance; if the applicant needed a variance they would have to come back to the Board.

Mr. D'Alessandro: stated the property was acquired by his family and his parents built the house in 1973; put the pool in the year after, 1974; Mr. D'Alessandro acquired the property from his mother in 2004; doesn't know the setback of the pool; the plan shows they have a fence around the pool; a portion of the fence goes onto the neighbor's property; the fence will be

removed and placed entirely on his property; understands the Board can't approve a structure on someone else's property; the neighbor will put a fence up in the near future; once it is up he will move his fence.

Mr. Andersen: stated, in summation, the subdivision itself conforms with all respects except for the setback for the pool; the pool has existed in that same location for over 40 years with no substantial detriment to the public good; if the applicant appeared before the Board today requesting a 3.8 ft. variance, he would expect the justification would be the location of the existing structure is lawfully erected and it would be a practical hardship for the pool to be moved closer to the house; it is a pre-existing condition; nothing will change with the creating of the third lot between there; does not impact the pool area at all.

Mayor Bivona: asked if there were neighbors behind where the pool is and if the pool needed to be screened; concerned for the neighbors.

Mr. D'Alessandro: stated there is a creek that runs between his property and his neighbor; there is plenty of screening; he is not disturbing his neighbor's back yard.

Mr. Madaio: stated there are no variances for consideration with the home; it is a major subdivision only by virtue of the fact there is a variance for the pool; Lot 12.01 can accommodate septic and a well; complies with all the ordinances for all improvements and elevations above the water table; condition of approval is the fence around the pool is to be placed completely on the applicant's property; the variance for the pool setback is 3.8 ft.; this is for the location of the pool in its current location.

Motion to approve application: Mayor Bivona, Lazerowitz
Ayes: Mayor Bivona, Gostkowski, Lauber, Pullaro, Chairwoman Vierheilig, Lazerowitz, Mucci

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Motion to adjourn: Mayor Bivona, Lauber
All in Favor

Meeting adjourned at 9:35PM

Respectfully submitted by:

JoAnn Carroll
Recording Secretary
August 9, 2016