

**ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
OCTOBER 5, 2006**

Kevin Martin opened the meeting at 8:00 p.m. by reading the Open Public Meetings Law statement; This is a Special Meeting of the Zoning Board of Adjustment; in compliance with the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at River Vale Municipal Offices.

ROLL CALL:	Kevin Martin	Chairman	Present
	Lorraine de Stefan		Present
	Melvina Fakazis		Absent
	Chuck Waldes		Present
	David Rice		Present
	Thomas Pospisil (Alternate 2)		Present
	Robert Fortsch		Present
	Robert Adamo (Alternate 1)		Present
	J.J. Clancy		Present
Also Present:	Brian Giblin, Board Attorney		Present
	Elliot Sachs, Board Engineer		Present

APPLICATIONS:

06-06 688 Westwood Avenue LLC, 688 Westwood Avenue, Block 1801, Lot 20, 21, 22.

Use Variance for Building 2

142-223 (Proposed Health Club not permitted in C Commercial District)

Minimum Parking Space Depth

142-272 (18 feet proposed where 19 feet required)

Minimum Drive-Aisle Width

142-274 (24 feet proposed where 25 feet required)

Marla Taus, applicant's attorney announced that this is a continued application and that a modified site plan has been submitted to accommodate comments from previous meetings. Marla Taus, recalled Mark Martins, Engineer who was previously sworn in. Mr. Martins referred to the revised site plan marked as Exhibit A-16. The modifications would increase the buffer area in the rear from 10 ft. to 20 ft. by moving the rear building forward 10 ft. and reducing the width of building No. 1. Parking proposal would now be 155 spaces. The proposed fence is a 6 ft. high vinyl fence. Mr. Martins reviewed placement. Mr. Sachs commented on the proposed compact parking area and asked if the distance would remain the same to the proposed raised concrete sidewalk. Mr. Martins responded that the 24 ft. isle would remain the same. Ms. Taus advised that the turning radius would

be kept the same and that this was discussed with the Fire Department who are okay with it.

The meeting was opened to the Board for comments.

Thomas Pospisil, asked if there was any rationale to having the building placed on the property line. Mr. Martins replied that but doing this, it is easier to maintain, by moving it forward, it may create a maintenance or liability issue.

Robert Adamo, inquired about the vegetation plan. Mr. Martins advised that the evergreen buffer plan would be kept and he would try to keep the berm preserved. Shade Tree requirements would be met. Mr. Sachs added that a Developer's Agreement and a Maintenance Agreement would be created.

Brian Giblin asked if the proposed 6 ft. fence would drop down in the front yard setback line. Mr. Martins advised that it would be a 6 ft. fence at the 45 ft. line and then it would taper down.

Chairman Martin opened the meeting to the public and so carried.

Joyce Waldron, 271 Collignon Way, commented that the original plans called for 3 buildings and asked if there was a special reason why building No. 3 was removed. Mr. Martins responded that the configuration worked better. Mrs. Waldron asked if there would be any future plans to extend and include the lot to the left. Mr. Martins advised that is not part of the application. Mrs. Waldron commented that building No. 1 has one point of egress. Mr. Martins replied that the depth of the building allows for adequate egress. She asked where trucks would park. Mr. Martins advised that they would park in the loading spaces and would use the walkway to the front of the building if necessary. Mr. Martins advised that building No. 1 would meet all codes and that requirements are met in both loading areas. Mrs. Waldron felt that larger parking spaces are needed near the stores. Mrs. Waldron asked if there would be any provisions for handy-capped persons trying to cross the street from the Assisted Living building. Kevin Martin commented on the assisted living building and how it is operated and their responsibilities.

Don Brett, 271 Collignon Way, felt that a fence higher than 6 ft. would help protect the condominiums from a potential pollution problem. Mr. Martins advised that a 6 ft. fence and evergreens would suffice. He added that any shrubbery within the 20 ft. buffer area would be preserved. Mr. Brett asked if there was any consideration given to how PSE & G would be able to supply adequate power stating that the condominiums have been subject to power blackouts. Mr. Martins did not see any potential problems.

Doreen Conlon, 259 Collignon Way, viewed the amended exhibit. She did not find the plan appealing to River Vale and asked if the design could be altered to make it more attractive. Mr. Martins advised her that the architect and the applicant did the design work and it would continue as planned. Ms. Conlon inquired about street lamps. Mr. Martins explained the design as modern looking.

Loretta Wilson, 279 Collignon Way, commented that at the last meeting, she asked that consideration be given for the facade of the building to match the design of the assisted living building so they are not so different. Mr. Martins explained that a lot of non-conformity already existed in the area and felt that the architect did a good job with the design. Mrs. Wilson commented that glass facades are generally filled with signs which makes them look terrible. Mr. Martin advised that the architect considered the entire area to come up with a design plan.

Doreen Conlon asked to view design plans. Mr. Giblin advised her that she can review the architectural plans on her own and should not ask the engineer architectural questions. Mrs. Conlon proceeded to view the Exhibits on her own.

Joyce Waldron, inquired how high the street lamps would be. Mr. Martins responded 20 ft. high and that requirements would be complied with to prevent spill off of lights. Mrs. Waldron stated that she would request that building No. 2 would contain no animals or food establishments. Mr. Giblin advised her that if a use is permitted in a specific zone, it can be done.

Robert Waldron, 271 Collignon Way, commented that building No. 1 is backing up against the residential property. Mr. Martins advised that this plan provides for better circulation and sound buffers. Mr. Waldron felt that this type of structure would be better if backed up toward the commercial property rather than residential property.

The meeting was closed to the public and opened to Board comments.

Thomas Pospisil commented that transformers being supplied to provide power are not in the plans. Mr. Martins explained that this is done during the construction phase and would be discussed with PSE & G. Placement could be made on the commercial side of the property if required.

Robert Fortsch commented that if the square footage were kept the same and combined into 1 building, would more parking spaces be available. Mr. Martins would need to review but felt that parking was maximized the best it could be. Mr. Fortsch felt that building No. 1 was close to Westwood Avenue and safety should be considered. Mr. Martins advised that from the property line to the street is approximately 20 ft.

Mr. Giblin asked if after a 6 month review of lighting, if there were spillage would plans be modified. Marla Taus saw no problem with Mr. Giblin's request.

J.J. Clancy, for clarification, inquired that if building No. 2 were made smaller, there would be less of a parking requirement. Mr. Martins agreed.

David Rice asked about raised stairs in the rear. Mr. Martins advised that a raised rail would go all across the entire rear along the proposed raised concrete walkway and stairs. Mr. Sachs inquired if the County looked at this. Mr. Martins advised that a copy of the plans is under review. Final plans with modifications would be provided.

Robert Fortsch inquired about loading space and trash area of building No. 1. Mr. Martins advised

that 2 loading areas and 2 trash areas are proposed and the trash areas could be completely enclosed if necessary.

Marla Taus, Esq. called upon her next witness, Roger DeNiscia, Planner who was previously sworn.

Mr. DeNiscia reviewed the planning aspect of the proposal commenting that the site would have a significant value increase and would expand business opportunities. The proposal for a Health and Fitness Club would require a use variance. He advised that the Master Plan doesn't restrict the type of personal services utilized but the Zoning ordinance does.

Mr. DeNiscia reviewed site plan measurements commenting that it is not over-developed. The use and parking variance, site and area is suited to the proposed use and he recommended the application be approved due to suitability of site, size, not over developed, proposed uses, Health and Fitness Club which is appropriate, site accommodates the proposed use, sufficient parking, no substantial detriments, application would approve the site and the application would not impair intent and purpose of the zoning plan. He added that the Master Plan does not restrict a health club.

J.J. Clancy asked that Mr. DeNiscia rationalize the size of the variance for parking. He commented that parking could be reduced by making the building smaller. Mr. DeNiscia advised that Mr. Staiger's analysis results in more than sufficient parking. He added that a health club reduces peak hour demand. Mr. Giblin explained that the Board would consider a use variance in different context than bulk variances.

David Rice asked for a definition of a health club. Marla Taus, Esq. responded "like a Curves, a fitness center." Mr. Rice asked if it could be limited to specifications. Mr. Giblin as example advised that a tanning salon would not be allowed. Mr. Rice commented that peak hour parking could not be determined because mix of retail uses are not determined yet.

Robert Adamo commented on Mr. DeNiscia's comments regarding size of the buildings and not over-developing and parking. Mr. DeNiscia advised that according to Mr. Staigar's report, (he realized that the Board did not hear testimony from Mr. Staigar. P.E. yet,) the amount of parking is adequate. Mr. Adamo asked if it were possible to get a reduced footprint on the 2nd floor. Mr. DeNiscia responded that the ground floor should be limited to retail use, the 2nd floor changes use to retail / office, 2 stories would reduce footprint. Mr. Adamo commented on the % of coverage by pushing a 2 story limit and only offering commercial space. Mr. Adamo believes the property is being pushed to the limits.

Chairman Martin opened the meeting to the public and so carried.

Joyce Waldron, commented on the possible deficiency of parking spaces in the future. Mrs. Waldron commented on heavy snow removal taking up parking spaces.

The meeting was closed to the public.

Craig Peregoy, P.E. of Joseph Staigar Engineering was sworn in by Brian Giblin, Board Attorney. He presented his qualifications which were accepted by the Board.

Mr. Peregoy testified that he is familiar with the application and had reviewed the October 4, 2006 report from Boswell Engineering. Mr. Peregoy reported that the newest plan would be less of a traffic impact from what Mr. Staiger previously testified to.

Mr. Peregoy advised that he referenced the parking generation book, explained use of it and based his parking projection on it. He specified his findings on peak hours for weekdays, weekends and included his calculation regarding the health club. He came up with a total of 141 parking spaces which he deemed sufficient. Mr. Peregoy explained how research is calculated.

Mr. Peregoy referred to the October 4, 2006 letter prepared by Boswell Engineering and reviewed each concern in the letter. This letter was prepared in response to an October 2, 2006 report prepared by Joseph Staigar and Craig Peregoy on traffic and parking.

Discussion ensued on mountable curbs.

Kevin Martin commented that if the Fire Department is comfortable with the turning radius we should obtain their opinion in writing. Kevin Martin asked if it were requested that the garbage area be enclosed, would there be an issue. Mr. Peregoy responded “no”, and it would not impact traffic. Chairman Martin inquired about time of deliveries and time of garbage pick up. Marla Taus, Esq. advised that this would be an enforcement issue and the ordinance would be complied to.

Kevin Martin asked if a standard parking lot is 9 x 18 with a 24 ft. isle. Mr. Peregoy replied yes, and that is how he came to his conclusion.

Chuck Waldes asked if calculations were related to population and if employees were included in the projections. He commented on use of a National Study as opposed to a local study. He questioned if there was room for error. Mr. Peregoy replied that there is ample room for error and explained.

Robert Adamo inquired if compact car parking spaces would be utilized. Mr. Peregoy advised “yes”. Mr. Adamo inquired if there would be a higher number of calls to the Police Department because of the amount of compact cars. Mr. Peregoy did not know but explained the level of safety comfort.

Mr. Giblin read section 142-72 – definitions of parking spaces and asked which one Mr. Peregoy used advising that his letter stated 9 x 19 is required. Discussion ensued on parking for compact cars vs. SUV’s. Mr. Peregoy concluded that 9 x 18 was still sufficient.

Thomas Pospisil commented on the use of National average for traffic flow determination of 35% and felt that a Northeast based analysis should have been used.

Robert Adamo commented on the 1 ft. overhang in the rear parking area. He stated that you could reduce the depth and add more grass adding that not all cars could take advantage of the 1 ft. overhang.

J.J. Clancy inquired about the National standard for size of compact cars. Mr. Peregoy has seen 7 x 16 and 7 x 18 and commented that on the worst case scenario, it applies a little more to the Northeast.

Elliott Sachs commented that a fire truck on the east side of the site leaves no margin for error.

Kevin Martin again, recommended the Fire Chief place his recommendation in writing.

Marla Taus, Esq. asked Mr. Peregoy if, by putting the 20 ft. rear buffer back to 10 ft., would that give a measure of comfort by obtaining another 10 extra parking spaces. Mr. Peregoy felt that sufficient parking is proposed.

Chuck Waldes commented that it was not determined if there would be 3 restaurants in the area and he could not understand how a level of comfort could be determined.

Chairman Martin opened the meeting to the public and so carried.

Joyce Waldron felt that it is vital to look into fire zones in front of the buildings. Mr. Peregoy stated that it is a common design to have parking in front. Mrs. Waldron commented on the parking spaces being accessible to strollers and the room that is needed.

Robert Russo, 7 Beechcrest, asked for Mr. Peregoy to define peak traffic hours. Mr. Peregoy complied. Mr. Russo gave his opinion on traffic the Health club would generate in the a.m.

Bob Waldron, asked how many handy-capped parking spaces are proposed. Mr. Peregoy advised 5 parking spaces total. Mr. Waldron advised that parking spaces are lost in the winter due to snow piles. Mr. Peregoy replied that there would be enough green areas to pile up snow if necessary.

Don Brett, asked if the studies took in account the Assisted Living building across the street. Mr. Peregoy responded yes, the building was included in the studies indicating a 35% traffic increase on Westwood Avenue.

The meeting was closed to the public and opened to Board comments.

Thomas Pospisil commented that the last report prepared by Mr. Stager did not take the Assisted Living building into consideration. Mr. Sachs referred to item No. 7 in his October 4, 2006 letter regarding the capacity analysis including the Assisted Living building. Mr. Martin asked Mr. Peregoy to comment. Mr. Peregoy did not have the calculations with him. Chairman Martin asked him to estimate the number of cars projected. Mr. Peregoy provided an estimated calculation. Mr. Pospisil commented on increase of traffic as a result of the proposed shopping center and the

Assisted Living building and asked that the traffic volume be obtained. Discussion ensued.

Marla Taus, Esq. reported that she had no further witnesses.

Chairman Martin opened the meeting to the public and so carried.

Bob Waldron, questioned air conditioning mounting. Kevin Martin, recalling testimony, responded that it would be a baffled roof mount. Marla Taus, Esq. confirmed this.

Joyce Waldron, felt that all information on parking and retail stores was not gathered. She commented on the number of restaurants there may be. Brian Giblin, Board Attorney informed her that many uses are permitted in the zone and most have the same requirement.

Don Brett, referring to the 35% increase in traffic on Westwood Avenue commented that there would be a significant overlap to traffic on Peters Place and Collignon Way.

Loretta Wilson commented that there is no idea as to how many stores are planned. Mr. Giblin advised her that this did not make a difference, the dependency is on square footage and the square footage indicates the required number of parking spaces.

Robert Russo, assuming the property would be developed asked that it be done aesthetically pleasing and least disturbing. He asked that hours of the Health Club be stipulated. Marla Taus, Esq. provided a 7 a.m. to 11 p.m. time frame. Mr. Russo asked that the Board consider the hours of the Health Club due to the possibility of intrusive noise.

The meeting was closed to the public.

Brian Giblin explained that the applicant would have 5 affirmative votes this evening and is entitled to 7. Marla Taus, Esq. consented to continue the hearing to October 19, 2006 to allow for the members not eligible to listen to the tapes of the meetings they had missed.

MINUTES:

August 3, 2006 and September 21, 2006

A motion by Thomas Pospisil, seconded by Chuck Waldes to approve the minutes of August 3, 2006 and September 21, 2006; on roll call vote, all in favor, the motion carried.

RESOLUTIONS:

Ottomanelli, 130 Demarest Avenue, Block 1602, Lot 7

A motion by Lorraine de Stefan, seconded by J.J. Clancy to adopt the resolution as discussed and amended; on roll call vote, all those eligible voted yes; the motion carried.

Jones, 202 Goodell Court, Block 301, Lot 1

A motion by J.J. Clancy, seconded by Lorraine de Stefan, to adopt the resolution; on roll call vote, all those eligible voted yes; the motion carried.

VOUCHERS:

A motion by J.J. Clancy, seconded by Robert Fortsch to approve vouchers presented for payment; on roll call vote, all in favor, the motion carried.

DISCUSSION:

Due to some members attending the League of Municipalities in November, the Regular meeting scheduled for November 16, 2006 will be held on November 2, 2006 with an additional available date of November 30, 2006 if needed.

ADJOURNMENT:

Upon motion of Kevin Martin, seconded by Thomas Pospisil, on voice vote, all in favor, none opposed, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Sylvia Kokowski - Recording Secretary

THE NEXT MEETING IS SCHEDULED FOR October 19, 2006

Name	Moved	Second	Ayes	Nays	Absent	Abstain
Lorraine de Stefan						
Melvina Fakazis						
Chuck Waldes						
David Rice						
Robert Fortsch						
J.J. Clancy						
Kevin Martin						
Thomas Pospisil Alt 1						
Robert Adamo Alt 2						
