

ZONING BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING
July 16, 2009

Kevin Martin opened the meeting at 8:00 p.m. by reading the Open Public Meetings Law Statement:

This is a Regular 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 & notice is posted at River Vale Municipal Offices.

<u>ROLL CALL:</u>	Kevin Martin	Chairman	Present
	David Rice		Absent
	Thomas Pospisil		Present
	Robert Adamo		Present
	Joseph Massin	Alternate # 1	Present
	Robert Fortsch		Present
	John Donovan		Present
	Douglas Marchese	Alternate # 2	Present
<u>ALSO PRESENT:</u>	Brian Giblin	Board Attorney	Present
	Steven Busanic	Board Engineer	Present
	Lauren Roehrer	Land Use Admin	Present

Robert Adamo arrived at 8:10 p.m. after roll call.

VOUCHERS:

A motion by Kevin Martin, seconded by Robert Fortsch to approve vouchers as read by the Board Chairman, on voice vote, all in favor, the motion carried.

MINUTES:

A motion by Thomas Pospisil, seconded by Joseph Massin to approve the minutes of June 18, 2009 on roll call vote, all those eligible voted yes; the motion carried.

RESOLUTIONS:

None

APPLICATIONS:

688 Westwood Avenue, LLC, 688 Westwood Avenue, Block 1801, Lots 20, 21, 22
Final Amended Site Plan Approval – Violation of 142-242

Mark Sokolich Attorney for the applicant provided proof of service to residents within 200 ft. of the

property and notice in The Record newspaper. A sign location variance is being requested / Final Amended Site Plan Approval.

Mark Martins, Engineer was sworn in by Brian Giblin, Board Attorney. He referred to Exhibit A-1 Original development site plan of 680-688 Westwood Avenue development. Mr. Martins reviewed what was previously granted. Building one is complete. Building two is framed. Exhibit marked as A-2 is an amended site plan for “The Learning Experience” who is the intended tenant. Mr. Martins defined the approved tenants that are ready to take residence. The Learning Experience would take approximately 10,003 sq. ft. interior and an additional 3,500 sq. ft. of play area exterior. Exhibit A-1 showed the parking spaces and proposed driveway. Landscape will be added – no other changes. A variance is needed for a proposed monument sign for all tenants at approximately 6 ft. x 28 ft.

Board comments – Mr. Pospisil advised that in his letter (Elliott Sachs, Board Engineer), he referred to a 10 ft. set back as opposed to a 5 ft. set back which was discussed this evening. Mr. Donovan asked if the entire development was commercial zoned. Mr. Martins stated 100% commercial. Chairman Martin asked what would be placed north of the trash container to the east of the driveway. Mr. Martins replied a planting island and landscaping. Chairman Martin inquired if the play area can be proposed in the front of the building instead of the back. Mr. Martins reviewed elevations and stated that the play area placed in the back of the building would create a loss of parking spaces. The spaces in the rear are designated for employees. Chairman Martin had concern pertaining to the width of the driveway at 13 ft. He recommended moving the building in by 7 ft and widening the driveway. Mr. Massin asked if the sidewalk were eliminated would it cause an unsafe situation. Mr. Donovan referred to the Fire Department letter; they seemed to have an issue as to how tight the area is. Chairman Martin commented that the sidewalk is a safety feature and should not be removed. Mr. Donovan inquired how high the sidewalk would be. Mr. Martins advised 4 ft. high and then it levels out in the rear. Chairman Martin asked that the applicant accommodate the Board’s concerns.

Mr. Massin inquired about snow removal. Chairman Martin advised that in previous testimony the Board was told that snow would be removed off site.

Mr. Adamo inquired what the proposed width of the raised concrete sidewalk in the rear of the building would be. Mr. Martins responded about 5 ft. which is sufficient for rear entrance. Mr. Adamo inquired about a way of creating a grass roadway to the east side of the driveway and accommodates a wider sidewalk. Mr. Martins advised that the sidewalk could be 4 ft.

Attorney Sokolich asked if it is physically feasible to extend the sidewalk width to what it is in the rear of the building (5 ft.) Mr. Martins acknowledged it could be done. Chairman Martin did not want to impact the neighborhood on the side and back. He suggested any modifications be to the west. Chairman Martin discussed garbage facility space and garbage collection. Mr. Martins advised that the owner/applicant is in control of frequency of garbage collection. The trash containers are in place and enclosed. Mr. Massin inquired about deliveries and loading areas. Mr. Martins advised that box trucks are accessible and that no tractor trailers would be allowed.

Mr. Adamo commented on the size of the proposed sign and location. He felt there could be potential for a larger sign in the future. The sign could be placed on the east side of the main entrance even though it would be set back further. A sign big enough for all tenants should be place now.

Mr. Marchese asked if there were any glass windows facing west on Westwood Avenue in building number 1. Mr. Martins said yes, there are 4 windows facing Westwood Avenue. He added that there is not sufficient room in that area for a sign. Mr. Fortsch referred to Section 142-156 of the River Vale Code pertaining to area required for a recreation area. He asked how close the proposal was to 30%. Mr. Martins responded over 30%. Mr. Sokolich stated that 30% should be devoted to recreation where recreation area is provided. He commented to clarify Mr. Sach's letter.

Mr. Giblin referred to Mr. Sach's letter. He advised that the 5 ft. front yard set back for the sign is correct. And, a 10 ft. buffer on the west is a requirement.

Chairman Martin inquired about speed bumps. Mr. Martins preferred not to place them.

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

Ann Guffanti, 271 Collingnon Apartment 3A, inquired how many retail stores there will be and who they were. Mr. Martins responded that currently building one and two each have a proposed tenant.

Loretta Wilson 279 Collingnon Apartment 2, commented on a partially completed wall in the rear where you can see Westwood Avenue. Mr. Martins advised that the wall will be completed when the building is.

Greg Goodell, River Vale Fire Official was sworn in by Brian Giblin, Board Attorney. Mr. Goodell reported his concern relative to the 13 ft. driveway and fire trucks. He felt that the trucks may wind up on the curbing. A fire lane needs to be a minimum of 18 ft. and in February this year was increased to 20 ft. Mr. Martins would comply but did not feel that a fire lane around the entire perimeter of the building was necessary. Mr. Martins clarified that the back of the building would be leveled out and the pavement would not be on a tilt. Mr. Goodell would like to see the entrance way to the back on the east side made wider for trucks. Radius will be discussed with the Fire Department and traffic engineer.

The meeting was closed to the public.

The Board recessed 9:25 p.m.

The meeting was reconvened at 9:38 p.m.

Justin Mihalik, Architect provided his qualifications which were accepted by the Board. He was sworn in by Brian Giblin, Board Attorney.

Mr. Mihalik testified that he designed the interior of the Learning Experience Center. He designed other Learning Experience Centers that were comparable in size to this proposed location. He is familiar with the internal operations, number of employees, services, drop off and pick up of children. Exhibit A-3 drawing of the floor plan entitled Space Plan and dated May 13, 2009. Mr. Mihalik referred to the Exhibit (A-3) and described the child learning center. He reviewed drop off and pick up and hours of operation 6:30 a.m. to 6:30 p.m. Ages of the children are about 3 months to kindergarten age. A sophisticated security procedure is in place to enter the facility. There are about 38 of the same centers in the State of New Jersey. They are regulated by the Division of Families. Number of students are

regulated. Estimated drop off time is about 4 – 6 minutes in the morning and about 4 – 10 minutes in the afternoon. There are 9 classrooms and an interior playground.

Exhibit A-4 showed building elevation dated May 13, 2009. Exhibit A-5 showed Playground Area Details and dated May 13, 2009. There are cameras throughout the facility. The outside playground area would be enclosed with a 6 ft. fence and is restricted to outside use depending on the weather. There is a 12 hour window of operation with a 3 hours window of drop off and pick up. Teacher's hours are staggered. There would be some pick up of children at lunch time. Mr. Mihalik advised that there are about 22 teachers and 2 administrative staff members at maximum.

Mr. Pospisil inquired about Saturday and Sunday hours. Mr. Mihalik advised that the facility is closed on Saturday and Sunday. Mr. Pospisil inquired if the 6 ft. vinyl fence gate would be the only gate into the play ground area. Mr. Mihalik stated that there are two gates only for emergency use. Mr. Pospisil inquired about the ratio of 22 teachers to children. Mr. Mihalik advised 1 – 4 for infants, 1 – 6 for toddlers with a maximum of 1 – 15 and a minimum of 1 – 4. The maximum of children that the facility could be licensed for is 174. Chairman Martin inquired at what time the children would be going to the outside playground. He was told about 8:30 a.m.

Mr. Adamo commented that if the facility is licensed for 174 children it is running at 80% maximum or about 139 children. He stated that therefore, the play ground could be made smaller. Mr. Mihalik stated that making the driveway wider and reducing the play ground area can be worked on with the Board. Mr. Mihalik commented on the size of the play items themselves.

Discussion ensued on having a special meeting to continue discussion of the application. August 13th was proposed. The applicant could not be available on that date. The application was carried to the regular scheduled meeting on August 20th.

Recognition –

Mr. Fortsch recognized Mr. Adamo as being thanked at a Mayor and Council meeting for donating his expertise and time pertaining to a tree that fell on a house in River Vale.

Discussion –

638 Woodside Avenue – issued described by Land Use Administrator Lauren Roehrer. After discussion it was determined that the applicant would need to return before the Board for an additional variance.

ADJOURNMENT:

Upon motion seconded and carried, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Sylvia Kokowski, Recording Secretary

