

**MINUTES OF REGULAR PLANNING BOARD MEETING
HELD ON THURSDAY, FEBRUARY 18, 2016**

Chairman Lancaster called to order the regular meeting of the board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice dated February 10th, 2016 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at borough hall. All stood for the pledge of allegiance.

PRESENT: D'ANTONO, KAUFMAN, LANCASTER, MARINO, MOELLER, WILD, TERRERO (ALT. #1) AND MORREALE (ALT. #2)

ALSO PRESENT: BOORADY, ENGINEER AND NEISS, COUNSEL (FILLING IN FOR DEL VECCHIO)

ABSENT: BLEWETT, KOLDYK AND RUNFELDT

Chairman Lancaster stated the first item on the agenda is approval of the January 21st, 2016 reorg and regular minutes.

Ms. Ward mentioned the members that can vote on the minutes are Kaufman, Lancaster, Marino, Moeller, Wild and Terrero. Do you want to move them both at the same time?

Chairman Lancaster stated yes I'd like to move them both at the same time. I need a motion to move both the reorganization and regular minutes from January 21st.

Mr. Kaufman made the motion.

Ms. Moeller seconds.

Chairman Lancaster asked are there any changes or comments on the minutes as written. Seeing none call the roll.

Ms. Ward stated certainly.

Roll call:

Yes: Kaufman, Moeller, Lancaster, Marino, Wild and Terrero (Alt. #1)

No: None

Abstain: None

Ms. Ward mentioned both sets of minutes are approved.

Chairman Lancaster stated next on the agenda is Minor Site Plan Application #354 and Flood Plain Encroachment and Variance Application #FPE 14-02 by Fra Lincoln Park, LLC, on property known as Block 22, Lot 339.2 on the municipal tax map also known as 3 Borinski Road (complete January 13th, 2016 decision by May 12, 2016) and this is a public hearing.

Mr. Caporrino stated good evening Mr. Chairman and members of the board, my name is James Caporrino and I'm with the firm of Park and Caporrino and I represent the applicant, Fra Lincoln Park LLC.

Chairman Lancaster stated okay who is going to be testifying?

Mr. Caporrino stated this is Joseph Marra and he is our expert, our architect and will be testifying.

Mr. Neiss swore in Mr. Marra.

Mr. Marra stated my name is Joseph Marra, I'm a registered architect in the State of New Jersey. My office is at 22 Howard Boulevard, Mount Arlington, New Jersey.

Mr. Caporrino asked Mr. Marra to give his experience and education to the board.

Mr. Marra stated I received a Bachelor's Degree in Architecture from New Jersey Institute of Technology, Class of 1977 and I've been involved in the practice of architecture ever since. I was licensed in the State of New Jersey in March of 1981 and I've been licensed ever since.

Mr. Caporrino asked have you appeared before planning boards and boards of adjustment before.

Mr. Marra stated I have. During the 35 some odd years I've been in practice I've appeared before numerous boards throughout the State of New Jersey.

Mr. Caporrino stated I would offer Mr. Marra as an architect.

Chairman Lancaster stated okay we'll accept him.

Mr. Caporrino mentioned if the board pleases, I'll go through the relief that the applicant is requesting.

Chairman Lancaster stated yeah go through the application.

Mr. Caporrino stated we are requesting the construction of two pre-cast concrete drive-in ramps which have open areas. On the westerly side of the building one ramp at Unit B and one ramp at Unit D. We are also requesting the construction of a cast in place solid concrete ramp along the westerly side of the building to serve Unit F of the building and Mr. Marra will go through this in more detail.

We are requesting construction of pre-cast concrete ADA ramps and pre-cast stairs which are ADA compliant. Handrails along the easterly side of the building at each existing entrance. One new entrance door on the easterly side of the building at Unit B, and one new entrance door along the easterly side of the building at Unit D and ADA parking spaces reconfigured along with new ADA penalty signs.

Miss D'Antono mentioned before you go any further just reference that you're reading off of Darmofalski's Engineering memo dated February 10th, 2015 for the record and it is on page 5 under bullet # a., b., c. so we all have it.

Mr. Caporrino stated yes.

Chairman Lancaster stated I didn't know he was reading off of the report.

Mr. Caporrino asked would you like me to mark the whole set of plans as A-1.

Chairman Lancaster asked are these the plans that we have.

Mr. Caporrino stated these are the plans that have been submitted.

Chairman Lancaster asked and there have been no changes to them.

Mr. Caporrino stated no changes to them.

Chairman Lancaster stated they don't have to be marked only if you had color coded them or changed them, or something other than what was submitted as part of the application.

Mr. Caporrino stated thank you.

Miss D'Antono mentioned just as a point of reference that's all.

Mr. Marra testified this is an existing fully developed site and it consists of multi tenants and all the tenants have been approved by the board. There are a total of 5 tenants in the building right now. What the applicant is proposing to do is to install two prefabricated drive-in ramps at the rear loading dock area of the building where there currently exists tail gate loading. In addition to the two drive-in ramps at the existing tails gate loading docks we are proposing to install, this is actually already built, a concrete ramps to a door.

What happens with this concrete ramp to this existing door was the applicant appeared before this board I'm going to say three years ago and received approval to put in a loading dock door. When they put the

loading dock door in, the tail gate loading dimension was too high for the applicant because they were using box trucks so they built a concrete raised apron so when the truck backed up there would be 32 inches +/- of loading height. By doing that they violated the fill in a flood plain. So as part of this application we want to amend that approval as well and if the board approves this application, our engineers' Kenneth Job from Hackensack and Joseph Miannecki from Towaco, will be making a flood hazard application to the NJDEP as a condition of a prior approval before we can get permits to do this. They have not made that application yet because they want this board's approval so when they make the application to the state there is not going to be any changes to it.

In addition to the two prefabricated concrete ramps which are removable by the way, and the poured in place concrete apron, what we are proposing to do in the front of the buildings where the tenant entries are into the office areas is remove the existing handicapped entrance ramps because they are deteriorating and the retaining walls in front of them are tilted forward towards the car parking, so we want to remove them and install a new prefabricated concrete ramp. In doing so, we want to increase the ramp areas so that we can gain two additional access doors for future use if the building owner wants to divide the building further and get additional tenants in the building that's our goal.

So the handicap ramps in the front of the building that we'd like to remove consist of concrete split face block walls that extend up above the ramp line and match the building façade, and those walls appear to me that they were not built correctly because the fill and the ramp itself behind that wall is pushing the wall forward and the foundations weren't designed properly is what we will find when we excavate. It is noticeable and it doesn't really look safe, in my opinion they should come down before they fall down on somebody's car or god forbid hurt someone.

When we remove these ramps, we are going to remove the fill underneath the ramps and we are going to install a prefabricate ramp, and I had submitted photographs of what a prefabricated ramp looks like. These consist of 4 inch thick concrete walls and they are built in sections and brought to the site and put in place on a new foundation system which typically consists of sono tubes, or round 15 inch foundation tubes. They set the ramps down and they are hollow underneath.

We are going to take advantage of the fill that we are removing and the area that we are gaining underneath these prefabricated ramps to reduce the net fill calculation, when we go before the State of New Jersey so that this application can be approved hopefully by the state and by this board.

Chairman Lancaster asked those will have some sort of flow through mechanisms so the water can go through and take advantage of that hollow area.

Mr. Marra testified yes. We note flood vents and Mr. Boorady in his review letter had asked for more details on those and we can provide those details once there is a contract with the manufacturer and we get the shop drawings for the actual ramps we can verify what kind of flood vent, how big it is and we can verify that it will meet the code because the DEP is going to look at that as well. The rising water should be able to go under the ramp and come back out.

So the prefabricated ramp is actually a very nice looking finished product and what we are going to proposed to do and if you look at the photographs that we have submitted, you'll see that his particular ramp has a painted foundation line which matches or compliments the foundation of this building. The building has a gray painted foundation and the ramp has a concrete stain that's a lighter gray color with a black handrail.

We propose to do the same thing with a black handrail and instead of a gray finish we are looking for a beige or brown finish to compliment the building. These three color swatches are Benjamin Moore color samples and they are much lighter than the actual building, but that is our intent is to use a color similar to the building to compliment the split face block so it doesn't look like raw concrete.

Chairman Lancaster mentioned now those you have not sent us right?

Mr. Marra testified no. I'd be happy to leave these with the board.

Chairman Lancaster mentioned and those would be Exhibits 1, 2, and 3.

Mr. Caporrino stated I'll mark them Exhibit A-1.

Mr. Neiss asked has the applicant made the choice of which color it is.

Mr. Caporrino stated no but it will likely be one of these three colors Mr. Marra?

Mr. Marra testified yes or similar color.

Mr. Neiss asked Mr. Marra is that to be painted on.

Mr. Marra testified yes it is a stain, a concrete stain or a concrete paint.

Mr. Neiss asked does it chip off after a period of time and must it be renewed.

Mr. Marra testified a lot of pre-cast buildings are concrete panels that are put in place; welded on the bottom, welded on the top, and then stained once they are in place with a concrete stain. Even the tilt up buildings in the Midwest which are very large buildings and the buildings that Fabcon built there are examples of them in Bergen County, in Teterboro where they just built a large building for Lindemeier.

Mr. Neiss asked but the stain itself does it need to be redone/reapplied at some point in time.

Mr. Marra testified I can tell you there is an example of a United States Post Office in Teterboro that was built in 1994 and it is a 200,000 sq. ft. building and was built by a company in St. Louis with built up panels. They cast the panels on site on slabs and they put them in place and then they stained the building and it hasn't been touched since and it still looks very good.

If you drive down the turnpike, those big box buildings around Exits 7 and 8 those are concrete buildings that have stain concrete panels on them. So the stain is a penetrating stain and it is a lasting stain, it looks good and we wouldn't want to do anything other than something that is going to last. It is a big investment in the building and it is something that we need to do as a safety factor and we want to do it right, we want to do it the correct way so it is going to be done with a lasting finish.

Mr. Neiss asked what about concrete chipping.

Mr. Marra testified concrete will chip from snow plows and things like that but I don't think that's the case here because we do have curbing and the area in front of the ramp so the cars wouldn't be hitting it so I think it is relatively safe. If it does need maintenance, I can tell you the owner does maintain his properties very well. They are good looking properties and he is a good property owner in the town. He and his brothers own several buildings in Lincoln Park and they are well maintained buildings and they are filled with good tenants too.

Mr. Wild asked those buildings that have that stain they don't flood though that floods down there.

Mr. Marra testified the only thing I can say is if there is maintenance required, the owner will do it.

Mr. Wild stated okay.

Mr. Marra testified they definitely will maintain the building. It is maintained professionally with landscapers and the lots are cleared when it snows, there is professional landscaping all year around at the site.

Mr. Caporrino stated I'll submit this to the board the samples.

Mr. Boorady asked what are the colors. Did you date them?

Mr. Marra asked may I write the Benjamin Moore numbers down. These are actually pages these are just little color chips and I'd like to write the numbers down.

Mr. Boorady asked what are the colors that you are proposing, did you say brown or tan.

Mr. Marra testified brown, beige and tan, I would think it would be in the brown family.

Mr. Boorady asked so you haven't decided exactly which color.

Mr. Marra testified no. You know anybody in the town who would like to participate in the color selection we have no problem with that then I won't get blamed all right.

Mr. Neiss stated it will be complimentary certainly.

Mr. Boorady stated I'm sure you'll want it to match right?

Mr. Marra testified yeah. The owner was actually considering using tinted concrete which I don't think we are going to do, but I think it is appropriate to stain it that is typically how it is done.

Mr. Boorady stated okay.

Mr. Kaufman asked how is that secured to the building.

Mr. Marra testified typically they are just set in place.

Mr. Kaufman asked do you have an anchorage detailed.

Mr. Marra testified we did submit an anchorage detail at the request of Mr. Boorady.

Mr. Boorady mentioned it was attached to the photos I don't know if everyone got it.

Chairman Lancaster stated right.

Ms. Ward stated I put it in the packet.

Chairman Lancaster stated it was in the packet.

Mr. Marra testified what they do with prefabricated panels is on a foundation system there are plates cast into the foundation usually and they tack weld them to the plates and then they use a slurry cement at the base and that is what holds the panels in place at the base, and then they weld them with plates that are cast into the panels on top and that's what holds it to the building. So in this case we have the foundation that we are proposing to cast a steel plate in and then the manufacturer is going to tell us how he wants to do this. But I'm anticipating it is going to be similar and there is going to be a plate cast into the ramp itself so when it comes on site it is going to get shinned up and placed, tack welded and then we can slurry cement around it, or just leave it tack welded like that so it will be securely attached to the foundation. Typically they don't do that these things are very heavy as you can imagine.

There might be a six or an eight foot section of concrete ramp with 4 inch walls every square foot and the concrete is 150 pounds of cubic feet so you are looking at 50 pounds square foot times the area of the ramp. So if you have 3 feet, 5 feet, 3 feet that's 11 square feet times 50 pounds you are talking this things weighs 50 times 11 it is like 550 pounds a linear foot so it is very heavy. You are not going to be able to move it, so if there is a flood that's going to move this ramp, it is going to wreak havoc in this area. We will provide the calculations for Mr. Boorady's review for water movement in the floodway so that we can demonstrate to his satisfaction that these things are not going to move in a flood.

Chairman Lancaster stated okay.

Mr. Marra testified this is our cover sheet that you are looking at. This is our proposed site plan and we have a zoning schedule on here. We are proposing to increase the area by 396.88 square feet is what we calculated that is the equivalent of a quarter of 1%, so that quarter of 1% is going to put us to 75. 25% lot coverage or 397 square feet more than we are allowed.

Quite frankly when I look at the site plan, the site is fully developed and I would propose that we ask for a variance for that because unless we eliminate one parking spot we are not going to be able to compensate for that. The reason we have more square foot of ramp area is because in our overall plan we are trying to get an additional entrance door into Unit D so that at some point in the future Unit D can be divided in half for two smaller tenants. We are proposing to do the same thing at Unit B. Actually Unit B and C are occupied by the same tenant but we are proposing to put another entrance door in there, so these ramps are

getting a little bit longer so that we have a little bit more platform and that's why there is 396 square feet more because we are trying to get these extra doors in to give the owner flexibility when he has to rent this. I guess in New Jersey the trends is we are seeing smaller and smaller tenant spaces, I don't know but that is what I think is happening to these buildings.

We went ahead and provided for luminary calculations which are going to be reviewed by the engineers and the DEP during the application. We do a show a reduction in the net fill because of the fill we are taking out underneath the ramps.

This is our architectural floor plan and you can see the rear of the building where the loading doors are and there are 13 loading doors in the rear of the building and we are proposing to take two of them and make drive-in ramps, and then of course amend our prior approval for the door at the very rear of the property.

Chairman Lancaster asked is there any change in use of those spaces with those drive-in ramps.

Mr. Marra testified no. The tenants are Advanced Brewing Systems they make k-cups for coffee, D.O.C.C. is a distributor of plastic bottles and jugs, Jasper Engines is typical replacement motors that people buy and put in their cars, United Yarn is kind of a storage facility for all kinds of stuff and then Mediterranean Chef they manufacture humus and they are from Israel and want to market their product. The building is fully occupied and those are the tenants in the building.

Mr. Boorady stated you didn't bring k-cups or humus. I was hoping the brewing as going to be beer you know.

Mr. Marra testified we do have architectural elevations and we have blow-ups of each of these elevations. But this is the rear of the building, this is the front of the building and you can see how the ramps look it is very similar to what you see now. This is all split rib block so it has the rib.

This is what the removable concrete ramp looks like when you look at it from the side. It is a block of concrete, a block of concrete, a section of ramp with a curb and a section of ramp with a steel plate. They are designed for trucks to drive on, but I don't know how much they weigh but we can figure that out. But usually they are set in place on a concrete pad there is usually not a foundation system for them. A lot of times they just set them up on asphalt which is really not a great idea because the asphalt can get hot and settle but that is what the removable concrete ramps look like. They are two sections 30 feet long and they are designed by the same company that would make the modular ramp for the front of the building. That modular ramp looks something like this when you look at it from up above and the concrete apron that the owner built looks exactly like this and it pitches up and then it flares off to each side so this is adding fill. These ramps are adding fill and we are proposing to offset that fill by the installation of these modular ramps which are hollow. If you look at the handrail detail, we calculated 6 inch thick walls but I believe they are going to be 4 inch walls the end product.

We show a detail of the flood vent and you can see where we are proposing to put the flood vents on the elevations. These are blow-up plans of the other two ramps and these are the elevations so you can see the flood vents.

These are the calculations that my office did summarizing the volume of the proposed and then the surplus area that we think we are going to have left over so we should be able to demonstrate to the DEP that we are reducing the fill, so those are the drawings. You do have an engineer's report with conditions that we can go over them but we propose to work with Mr. Boorady's office and meet all of those conditions.

Chairman Lancaster mentioned there were 4 specific things that Tom talked about between zoning, flood development, site plan and then some general comments. If you want to go through his report because there were some specific recommendations and questions. I know you touched on some of them. Tom do you want to walk us through your report starting on page 3 of 5 where we talk about the zoning review? I know that there are some questions very specifically about the 396 and if you are rounding up their table shows 75 and 75% but it is 396.

Mr. Boorady stated yeah.

Chairman Lancaster stated I just need to know how does that address what you are talking about.

Mr. Boorady stated well Item #3 under the zoning review, I recommend they create a table of all existing improvements and identify those improvement areas in square feet. Maybe they are not over 75% but I think what the applicant is saying is we are going to ask for the variance to exceed it instead of going through the exercise of calculating all the curbing, pavement, sidewalks, ramps, the building and determining whether that's 75% or not.

Chairman Lancaster mentioned whether it is 74.9 or 75.1.

Mr. Boorady stated right.

Chairman Lancaster stated okay.

Mr. Boorady stated I think they are just asking for that variance to exceed it by a quarter of a percent.

Chairman Lancaster stated okay.

Mr. Boorady mentioned the zoning table that we all have says 85% but based on their lot area it is 75% maximum coverage.

Mr. Caporrino stated we are just above the 3.5.

Mr. Boorady stated right. But if you look at your zoning table you have an 85 there it should be 75 for this.

Chairman Lancaster stated well it is 85 and it shows between 3 and 3.5 acres and it says that they are 3.592 acres.

Mr. Boorady stated I thought it was 3.4 okay. I have some acreage that was inaccurate then.

Chairman Lancaster stated yeah based upon the table I was looking at before.

Mr. Marra testified I'm pretty certain the survey we submitted which we have it is 156,478 sq. ft. or 3.59 acres. That is what I have and that is what I believe is shown on our current survey.

Mr. Boorady mentioned okay but the coverage is 75% though right?

Mr. Marra testified yeah.

Mr. Boorady stated okay.

Chairman Lancaster stated it is just slightly over.

Mr. Boorady mentioned the plan will have to be revised to show that and then to reflect that they are asking for a variance.

Mr. Marra testified we'll drop it down to 75% allowed and we are asking for 75.25.

Chairman Lancaster stated okay. That will be a variance for that.

Mr. Boorady stated right.

Chairman Lancaster mentioned they show 3.92 but then the required shows up to 3.5 so they are just slightly above it.

Mr. Boorady stated yeah. Well again I think all the other schedules of controls are conforming, the setbacks and such so that is the only variance that would be created.

Under the flood development review they've agreed to provide NJDEP permits as a condition of approval and prior to obtaining any building permits. Prior to them submitting to DEP I'm recommending that some of the details that they are showing are tightened up a little bit. The exact type of flood vents, the exact locations that they are going to be shown, whether the drive-in ramps are going to be anchored properly because the site is now potentially going to be classified as a floodway in the new maps that are coming out

so they will have to be properly anchored.

Now they are extremely heavy to take on the weight of a truck but they will have to give me the weight of those ramps and determine how they are going to have to be anchored to make sure they won't float away. As long as all those things are provided, then I wouldn't have an objection to the DEP permits coming later as long as those things are figured out ahead of time. I think Mr. Marra has already agreed to do that.

Chairman Lancaster stated I see heads shaking but that is not being picked up on the CD.

Mr. Caporrino stated yes.

Mr. Marra testified yes.

Mr. Neiss mentioned that's an agreement by the applicant as well as the submission of revised plans?

Mr. Marra testified additional plans and calculations for the hydraulic force of a flood and anchorage method.

Chairman Lancaster stated additional engineering.

Mr. Boorady stated in the floodway you have dynamic flow which means there is actual water moving like in a river that you have to account for. In a normal flood you have buoyant forces so he's got to count for both of those types of forces.

Mr. Neiss stated on additional plans that you have to review and make sure it's in accordance with the --

Mr. Boorady stated correct.

Mr. Neiss asked and you are going to supply that Mr. Marra.

Mr. Marra testified yes.

Mr. Boorady stated the one question I had on the ADA ramps are they modular ramps? Do the panels come separate from the tops?

Mr. Marra testified no.

Mr. Boorady stated I'm having a hard time figuring out how you would make a positive connection to the sono tube below.

Mr. Marra testified they come in sections and it is like an inverted u. They are hollow and they've got 2 walls and a top and obviously at the end there would be an end panel.

Mr. Boorady stated okay.

Mr. Marra testified that's how they come and typically they are set down on a sono tube foundation.

Mr. Boorady asked how I get to that sono tube if they are closed prefab wedge. How do I get to the wall side and make a positive connection?

Mr. Marra testified if you look at my detail, this would be the outside wall and there would be a plate cast into the bottom, so there would be along the edge, when you're standing on the outside of the ramp, there will be plate and there will be a plate cast into the sono tube so there would be a welded connection.

Mr. Boorady asked how I get to the back against the building.

Mr. Marra testified you wouldn't.

Mr. Boorady asked so what is that going to sit on.

Mr. Marra testified on a sono tube.

Chairman Lancaster asked do you put it in the back first.

Mr. Marra testified no.

Mr. Boorady mentioned you'll never be able to tack weld the back or put a bolt and nut on it to hold down a plate that is why I'm asking because you can't get back there right?

Mr. Marra testified you can't.

Mr. Boorady mentioned that's why I asked if the wedges were modular or if they come as a concrete wedge right?

Mr. Marra testified what do you mean a wedge?

Mr. Boorady stated well the ADA ramp is a wedge-shaped structure.

Mr. Marra testified yeah they come in 6 to 8 foot sections. So if you look at the photograph you can see, for example, the joint, so this is a piece and this is a piece.

Chairman Lancaster asked but the bottom isn't four sided is it. I mean it is open so you can get into it?

Mr. Marra testified when we are done it will be completely enclosed.

Chairman Lancaster stated when you are done.

Mr. Marra testified as you build it up you could crawl it will be a tunnel.

Chairman Lancaster stated yeah.

Mr. Marra testified but I don't think we are going to get underneath there for welding.

Mr. Boorady stated okay until you get to the one end and then you are going to be trapped.

Mr. Marra testified then you can't get in there.

Mr. Boorady stated they are going to have to show me how they are going to affix the ramp to the sono tubes if they are closed prefab pieces. I wasn't sure if the panels were separate pieces from the top and then you could piece them together.

Mr. Marra testified you can see a joint here so that's a section.

Mr. Boorady stated right.

Mr. Marra testified this is a section and this is probably one section.

Mr. Boorady mentioned that's great along the front but then you can't get between the ramp and the building so I was wondering how you would connect it, but it is just really going to sit on a sono tube on the back.

Mr. Marra testified typically all they do is set these things down on a foundation and they shim them level.

Mr. Boorady stated but being in the flood zone I want to make sure they are not going to float away.

Mr. Marra testified we'll have to address that.

Mr. Boorady stated yeah okay. So they are going to agree do that as a condition of approval and if they can't show that to me, they won't be able to submit it to DEP.

Mr. Kaufman stated you could theoretically climb under and tack weld all but the last one, otherwise you are leaving a guy under there.

Mr. Marra testified exactly.

Mr. Boorady stated you'd have to dig a hole to get under there and refill it.

Mr. Kaufman stated you could have someone in there tack welding the building side and all the pieces except the last one. Once they put that in there the guy is stuck.

Mr. Boorady stated right.

Mr. Marra testified we'll figure it out. We'll calculate what a weld is going to hold and figure it out. We'll see what the dynamic forces are through engineering calculations.

Mr. Boorady stated I just want to make sure you are okay with that before we move on.

Mr. Marra testified I think so. I'm not an engineer Tom but I think our engineer can do that.

Mr. Boorady stated yes.

Mr. Marra asked you can right.

Mr. Boorady stated yes.

Mr. Marra testified no problem I think he can do it. You know we will do what we have to do. If we have to add additional footing or if we do have to get a guy underneath there and we have to dig a hole, we'll do what we have to do.

Mr. Boorady mentioned moving on through the flood development review on page 4 there is a site plan review. There will be some details for granite block curbing and you'll have to give me driveway repair, asphalt repair, sidewalk construction details and such, so the plans will have to be revised to include that information.

Chairman Lancaster mentioned Item 12 on page 4 this is just kind of more of an information and making sure the applicant understands that you are putting two new doors in there so you can subdivide it and we don't have a problem with that, but there is a site plan exemption or site plan application to put a new tenant in.

Mr. Marra testified we know all about that and we do that for every tenant.

Chairman Lancaster mentioned I know but some people haven't so it is an informational thing just to make sure the applicant is aware of it.

Mr. Marra testified oh yeah we are well aware of it and we do it for every tenant, Joan knows.

Ms. Ward mentioned they do it and they're very good about it.

Mr. Boorady stated that ties in with my comment #13, I think that that dark bold line needs to be removed.

Mr. Marra testified yeah I told my office to do that and they didn't do that. They did it on one plan but not the others.

Mr. Boorady mentioned I think they were looking ahead at the subdivision inside so that will have to be removed on a revised plan. Do you have any comment on the landscaping that you are going to do between the ADA ramps?

Mr. Marra testified quite frankly the existing landscaping to remain but we are going to have to address those because it is going to be a construction site when we are done, so we are going to have to re-landscape those areas so we can do a landscape plan.

Mr. Boorady mentioned like foundation plantings of evergreens/Boxwoods.

Mr. Marra testified if you look at this building, it is very well landscaped.

Mr. Boorady stated okay.

Mr. Marra testified it is professionally landscaped and every year it is mulched in the early spring.

Mr. Boorady mentioned I would just ask on the revised plan to show some landscaping.

Mr. Marra testified absolutely.

Mr. Boorady stated species to be determined by your client.

Mr. Marra testified yeah.

Mr. Boorady stated I think they've already discussed the finish of the materials.

Chairman Lancaster stated right.

Mr. Boorady mentioned and they determined it was going to match that's going to be a field determination.

Mr. Marra testified to compliment.

Mr. Boorady stated yeah to compliment.

Mr. Marra testified yeah.

Mr. Boorady stated again detailed cut sheets for all those improvements.

Chairman Lancaster mentioned again when they go into talking with the people that are casting them, before they do it they are going to need cut sheets for you.

Mr. Caporrino stated absolutely.

Chairman Lancaster stated it is not after the fact it is up front.

Mr. Marra testified we got an estimate a year ago for these ramps and they are not cheap. Just to buy them it is like a hundred and ten thousand bucks. They are not cheap and they come with a handrail is the bonus because the handrails are expensive. You know it is a well-made product and you do see them more and more they are kind of common these days.

Mr. Boorady stated just to follow-up on page 5, ending my report are the general comments. You agreed that all the approvals that these site plan exemptions prior to this application remain in effect, whatever the conditions on Mediterranean Chef or the other tenants those conditions still hold true.

Eighteen through 20 are the standard comments; inspection fees, performance bond requirement, as-built plans at the end of the job and if there is any development fee for the Non-Residential Development Fee Act.

Mr. Marra testified I thought that was for new buildings?

Mr. Boorady stated I don't know how it applies to commercial work.

Mr. Marra testified it doesn't apply to existing buildings.

Mr. Boorady stated I don't know that that has to be determined by the borough attorney usually.

Mr. Neiss stated I'd have to look through the ordinance to confirm that I can't do that right now.

Mr. Marra testified it is a state law that says if you've got site plan approval before July 1st, 2010 you are exempt. If you've gotten building permits, these are for new buildings I believe before December 31st 2014 you are exempt.

Mr. Neiss asked under the Permit Extension Act.

Mr. Marra testified you are exempt from the redevelopment fee which the town put in a fund and it is used for COAH development. So anybody that builds a new building has to fill out a form that the construction code officer gives to the tax assessor and before they get a C.O. the tax assessor has to assess the value of that building and they are to pay a two and a half percent fee of the assessed fee to the town. A developer can come in and say I want that money and I want to build it on this lot and it is going to be used for COAH.

Mr. Boorady mentioned whether it applies to this project or not usually it is the borough attorney.

Chairman Lancaster stated that has to be figured out from our borough attorney.

Mr. Boorady mentioned the borough attorney usually writes a memo.

Ms. Ward mentioned it is not the borough attorney this would go to Ed Buzak's office.

Mr. Boorady stated they are the special attorney.

Ms. Ward mentioned some of the commercial sites that have been in existence they had to pay the fee, so you would have to contact Ed's office on this.

Mr. Boorady stated that's right.

Mr. Marra testified okay.

Mr. Boorady mentioned we had some redevelopment site plans that were obligated to pay the fee.

Mr. Marra testified interesting.

Mr. Boorady mentioned it is not up to us but it is up to the borough's special attorney.

Mr. Caporrino stated he'll let us know and then we can respond to that.

Mr. Marra testified but if we have to we have it is a state law.

Ms. Ward mentioned it will be in the resolution and you're going to be obligated to contact Buzak's office to get us a letter to put in in the file whether you are obligated or not.

Mr. Marra testified I will get that gentleman's name and office number and I'll write him a letter and we'll send him a set of plans and see what he has to say.

Ms. Ward mentioned I can give you all the information.

Mr. Marra thanked Joan.

Mr. Neiss mentioned just so the record is clear, apart from this last item which I guess is what #20 in your memo, does the applicant have any other issues with Mr. Boorady's memo that it cannot comply with?

Mr. Caporrino stated no. The applicant will comply with all of the conditions.

Mr. Neiss asked and even the recommendations that exist there.

Mr. Caporrino stated yes.

Mr. Neiss stated good thank you.

Ms. Ward mentioned with reference to the as-built surveys we'd like 4.

Mr. Neiss stated 4 as-built surveys.

Ms. Ward stated yes.

Chairman Lancaster asked are there any other questions from the board of the applicant.

Ms. Moeller stated no.

Chairman Lancaster stated this is a public hearing and the meeting is open to the public. Any member of the public who would like to come up and comment on this application, on this application only? Seeing nobody from the public who wishes to come up I will close the public hearing. I guess now we look for a resolution to approve this?

Mr. Boorady mentioned I just have one item to add briefly. Just a condition to include a pre-construction meeting to make sure the color samples are picked and all the cut sheets have been approved. I am not talking about a lengthy detailed pre-construction meeting, but just before you get building permits going and start ordering things, I would just like to make sure everything is in place.

Mr. Marra testified it will be our pleasure.

Mr. Boorady mentioned yeah add that to the conditions.

Chairman Lancaster stated that sounds good.

Mr. Neiss asked will you require the additional drawings, the additional plans before that meeting.

Mr. Boorady stated yeah I hope they are done already by that meeting. The plans should be done and approved by DEP. We are not going to have a pre-con meeting until the DEP permits show up.

Mr. Marra testified that's a lengthy six month process.

Mr. Boorady stated yeah which is why I want to have the meeting to make sure that everything is done that we agreed to here.

Mr. Marra testified we'll provide a detailed sheet and a landscaped plan. We will have our engineer work on the hydrology and the calculations for attachment and we'll have to contract with a modular company to get shop drawings. We have yet to do all that stuff anyway so hopefully we get that done and the engineer has to make the application and it has been quite a while.

Chairman Lancaster stated it is not a minor undertaking.

Mr. Marra testified he is probably not going to Trenton for another 6 weeks or something like that. If this board approves it, then they are going to start to do the environment studies and the other calculations. I am assuming he is going to use our drawings as far as the submission so maybe it will go quicker.

Chairman Lancaster stated okay.

Ms. Ward mentioned we will require 8 sets of revised plans.

Chairman Lancaster stated okay.

Ms. Ward asked are you doing a memorialization or a draft.

Chairman Lancaster asked do we want to do this as a memorialization or a draft approval. A draft resolution that we approve next meeting or approve it now and have a memorialization.

Mr. Neiss mentioned, generally in my experience, if the board takes a vote whether it is to approve or to deny, then I'll go back and prepare the resolution and then at a subsequent meeting the board will approve the resolution that's how I've done it.

Ms. Ward stated that's how we do it too. On the last page of the resolution it will say it memorializes an action taken at this meeting or it's a draft resolution, so it just depends which way the Board is approving the resolution.

Chairman Lancaster mentioned if we approve it now it is memorialization.

Ms. Ward stated they are still going to vote on it.

Chairman Lancaster mentioned we'll vote on it later but it gets them moving as opposed to waiting.

Mr. Neiss stated oh I see you need to move forward.

Mr. Caporrino stated we'd like to get started yes.

Ms. Ward asked is it an easy resolution for you to prepare as a memorialization. Some of the bigger ones we do in draft form because they are quite lengthy.

Mr. Neiss stated I don't think this is a major to do, and if the board is ultimately going to approve the application and what have you, I'd just assume get them moving.

Chairman Lancaster mentioned a memorialization would make it easier.

Mr. Wild moved it.

Ms. Moeller seconds with the pre-construction meeting.

Mr. Boorady asked do we need to open it to the public at all.

Chairman Lancaster stated I did.

Ms. Ward mentioned we did. We had the public hearing nobody came forward.

Mr. Boorady stated I'm sorry I missed that.

Mr. Neiss stated wake up over there Tom.

Chairman Lancaster mentioned nobody from the public wanted to come up so I closed it.

Mr. Boorady stated fine.

Roll call:

Yes: Wild, Moeller, D'Antono, Kaufman, Lancaster, Marino, Terrero (Alt. #1) and Morreale (Alt. #2)

No: None

Abstain: None

Ms. Ward stated okay.

Mr. Caporrino thanked the board.

Chairman Lancaster mentioned thank you.

Moving on to Item #3 is the Minor Site Plan and Variance Application #360 by Bellmore Home Lincoln Park, Inc. d/b/a Costello's Ace Hardware, on property known as Block 22, Lot 304 on the municipal tax map also known as 261 Comly Road (complete January 27th, 2016 decision by May 26th, 2016). This is a public hearing.

Mr. Schepis stated good evening everyone, I'm here on behalf of the applicant, Bellmore Home, the operator of the Ace Hardware Store. Standing to my right is Jaime Maloney and she is here on behalf of the company and she is one of the vice presidents.

Mr. Neiss swore in Jaime Maloney.

Mr. Neiss asked Ms. Maloney to give her full name and business affiliation for the record.

Mrs. Maloney testified sure. My name is Jaime Maloney and I'm the Secretary/Treasurer of Bellmore Home Lincoln Park.

Mr. Schepis stated I'd like to give you an overview of the site and likewise what we are here for. As you are all familiar with the facility, it is located at 261 Comly Road in a B-2 Business Zone and it used to be a Cost Cutter site, and subsequent to that it was a Walgreens site and remained vacant for a number of years when Walgreens packed up and moved to the corner of Main Street and Beaver Brook Road.

For years there were efforts to find an anchor tenant for the facility because one of my clients was the Walgreens developer and it was her obligation to find a substitute tenant when she moved Walgreens up the block but unfortunately there were no takers for the 30,000 sq. ft. of retail space that is now occupied by Ace.

Fortunately, not just for the property owner but for the borough, a large empty vacant store for years is not a boon for business nor is it good for the town. But Ace moved in and they came before this board on a site plan exemption and received the exemption and because of the size of the proposed signs, they were not able to secure approval for it until they made a formal minor site plan application which we are here for, as well as variances associated with the proposed sign.

There are no proposed modifications to the site apart from the signage. So in support of the application and as part of the completeness, we submitted prior approved as-built surveys that show what's out there. Really the main item of consideration for you this evening is annexed to the application and that is a colored superimposed sign rendering and that was prepared by Sign Up Now, the applicant's sign manufacturer and installer. You each should have one in your package.

It has a photograph of the building as it exists today and the proposed sign dimensions are shown there and the overall length, number of inches, height and it is two separate distinct signs. The top sign says Ace Home Center and just below that is their hallmark product line of paint, Benjamin Moore. As noted, the Benjamin Moore sign is in kind of like a dark blue. Ace and the Benjamin Moore logo are red and white and the Home Center is in black. The dimensions have been superimposed on the front façade of the building so you can get a feel for the size of the sign as it relates to the front façade.

Now the ordinance that we are asking relief from is Section 28-134.2 A.2.a.1. This ordinance specifically relates to the shopping center B-2 Zone, so there is a section for just retail and then there is the shopping center. The ordinance has a couple of requirements. One you are only allowed to have one wall per tenant unless you are on a corner and you have two streets. So this site actually does have frontage on Comly Road and then likewise on George Cobb Lane, so it does have double whatever that's worth. The sign area is limited to the lesser of either the ten percent of the building façade of the tenant or 40 square feet, whichever is lesser.

As I provided for in the application, there was a previous determination by this board relative to I think it was the Cost Cutter application that the building has a total front façade of 4,995 square feet that was found in Resolution for application #261 adopted on May 20th, 1999. Based upon that percentage if you took just the straight ten percent, you would have a sign area permitted of 499.5 sq. ft. Now your ordinance does limit it to no more than 40 square feet. The facility is approximately 30,000 square feet. As I point out in my application, the total building signage area that is proposed in this matter is 280 square feet that represents both of the proposed signs.

In the prior Cost Cutter application, as I noted in Section 7C.5. of the application, I note that the prior planning board approvals for the Cost Cutter and the pharmacy use combined, the signage was 268 square feet. So previously 268 square feet was approved for this building and the applicant is now asking for 280 square feet for the two signs, so somewhere comparable to what was previously approved by the planning board in the past for this property.

Chairman Lancaster stated 268 included signs on both sides.

Mr. Schepis stated I believe it did all signage.

Chairman Lancaster stated the one on George Cobb Lane and the other one.

Mr. Schepis stated correct and there are no signs proposed on the side by George Cobb Lane.

Chairman Lancaster stated proposing it on Comly.

Mr. Schepis stated it is actually two but yes. What is shown here in the picture of the edifice, so that is basically the lay of the land as it relates to the number of signs, the location and the size. There is also a variance that is requested with regard to the maximum height of a wall mounted sign. The ordinance limits the maximum height of a wall mounted sign of no more than 20 feet whereas the Ace portion, it looks like the Ace portion of the sign is proposed to be approximately 24.2 feet and perhaps a little bit on the top where it says Home Center as well. So we are asking for a height of 24.2 feet whereas 20 feet is the maximum permitted.

Chairman Lancaster asked the height is the height from the ground.

Mr. Schepis stated the height from the ground it is not the height of the letters no, no.

Chairman Lancaster stated I just wanted to clarify that.

Mr. Schepis stated no it is the height from the ground.

Chairman Lancaster stated I know it is on the plans but I wanted to clarify it.

Mr. Schepis mentioned what is a little unusual about this property is what would ordinarily be envisioned is that the zoning ordinance requires a minimum front yard setback of 50 feet in this zone and this particular building is located 170 feet from the front property line, so more than 3 times the setback of what would otherwise be permitted under the ordinance. As you start to step back from the object it appears smaller, smaller and smaller so at 170 feet for passersby it would seem to justify having a larger sign than would otherwise be permitted.

I also point out in my application that the ordinance limits these building-mounted signs per tenant, so this space is 30,000 square feet. Arguably it could be broken down into 7 separate tenant spaces each of approximately 444 square feet, I mean that is a lot of square footage for a retail space. Most of the stores in that mall like the Carvel, the nail place, they've all got to be around 1,200 to 1,500 square feet max. So even if you had giant stores of 444 square feet and you broke them out and they each had one sign of 40 square feet that would add up to the 280 square feet that we are proposing. So we would submit to you that that doesn't represent a blight because you could have all these little signs, 40 square feet and have 7 of them and all be compliant and that would probably be more attention getting than what we are proposing here. So that is the overall presentation as far as what we are asking for and some of the background about it.

Now Mr. Maloney I want to ask you a few questions about your operation, a little bit about what you are asking for and then we can address the comments that were raised by the board engineer in his recent memo that you and I have reviewed. Why don't you tell us a little bit about your company and how it is that you find yourself here in Lincoln Park?

Mrs. Maloney testified we are a retail chain family owned and operated and we have stores on Long Island and an opportunity arose in Lincoln Park. It is very large store for us and we are very excited to be here. We really feel that we need this sign that it will draw attention to the location, so be more successful we need to bring people in from a lot of neighboring towns. Right now we employ about 30 people and the more business we do the more people that we can employ and most of the employees live in this area in Lincoln Park.

Mr. Schepis asked from a business standpoint whether having this sign approved is anticipated to help your business.

Mrs. Maloney testified yes we feel it will draw attention to us being here. Right now we don't have a sign we have a temporary banner up and it is not lit in the night and people driving home from work probably don't see that we are there.

Mr. Schepis stated okay. Prior to coming here this evening, you and I had an opportunity to review the memo of February 9th, 2016 prepared by Darmofalski Engineering Associates, Inc. critiquing the submission. Mr. Boorady signed the memo. Have you review that?

Mrs. Maloney testified yes.

Mr. Schepis stated okay. Perhaps we can go through the memo because I think it gets right to the crux of the application.

Chairman Lancaster stated that is going to be kind of our basis for analysis.

Mr. Schepis mentioned I can either take it from the top or we can have Tom assist in this, whichever you feel is more conducive to a speedy presentation.

Chairman Lancaster asked Tom whatever is speedier. Some of the items you've already covered and I don't feel we need to go through those again.

Miss D'Antono stated maybe Mr. Boorady can elaborate on what he has a problem with pertaining to the application.

Mr. Boorady stated I don't have any problems whatsoever. Let me go through the report and maybe we can get through it speedier.

Starting on page 2 of my February 9th memo to the board, Item #1 Morris County Planning Board approved this application already and they have no objection to the proposed sign. This fronts on Comly Road which is a county road so they do have purview.

Item #2. i, ii, iii and iv are directly out of your ordinance, they are the regulations that the applicant must meet to construct a sign. I think the applicant's attorney already went over the variances that they are requesting and I don't think we need to go through that again unless you'd like to in more detail?

Chairman Lancaster stated no I don't.

Mr. Boorady mentioned Item #3 is a recommendation to hear some testimony on the record from the applicant that there are good reasons for the variances they are asking for. I think you've heard some already and you might want to ask questions if you have them, or if you want more information on the variance they are asking for. We can stop at each one of these or I can continue on.

Chairman Lancaster asked anybody on the board have any additional questions as far as why they want to deviate from it. Okay.

Mr. Boorady stated Item #4, I think the attorney already explained the fact that there was a Cost Cutters prior and their sign area was 223 square feet plus an additional 45 square feet on the side of the building, so that was also a substantial deviation from the 45 foot maximum required.

Chairman Lancaster mentioned that was actually because they had two signs, they had a Cost Cutter sign and a Drug Fair sign.

Mr. Boorady stated and the drive thru as well. The came back with a drive thru sign on the side.

Chairman Lancaster stated it is similar to this where they had you know the main one and then the other one.

Mr. Boorady stated right. Again that is just for perspective on Item #4.

Item #5, there is a temporary banner there now and it will come down obviously when this sign goes up. I was just noting it for a point of reference. Are the proposed signs going to be bigger or smaller than that banner?

Mrs. Maloney testified very close. The letters are very close.

Mr. Boorady stated okay they are very close in size. So if everybody is going to drive by like I have, that is about the sign you are going to see height and width wise. I think the banner was very helpful actually to give you the perspective of what it was going to look like.

Chairman Lancaster stated yeah.

Mr. Boorady mentioned Item #6 is regarding fees and temporary banners and window signs that might be required. I think your ordinance regulates window signs and banners, so just so the applicant is aware in the future that there are fees involved and potentially permits. They wouldn't have to come to the board necessarily if they meet the banner requirements, they can just go see the Planning Department and obtain those permits you know if you are having sales or specials and things like that just so you are aware of it.

The colors of the sign I am recommending that they confirm it. I know there are these codes that the sign companies typically use, the PMS codes, but maybe Mrs. Maloney you can tell us in your own words what these colors are because the printer doesn't always do a good job of color.

Mrs. Maloney testified I got some information from our sign company. The Ace letters are going to be in a red Plexiglas number 2793, the Home Center is in black, the Benjamin Moore letters will be in a pantone matching system blue #289C and the Benjamin Moore logo is color PMS 200C.

Mr. Boorady asked is that like a reddish color.

Miss D'Antono asked do you mean the little triangle next to Benjamin Moore you are talking about.

Mrs. Maloney testified it is red.

Mr. Boorady asked below the Benjamin Moore logo.

Mrs. Maloney testified ACE is red. Benjamin Moore is red as well on the left that's a newer logo.

Mr. Boorady stated yeah okay. I think I read somewhere that the black letters may have a white trim around the edge so that they actually illuminate. Will those illuminate as well the black Home Center letters?

Mrs. Maloney testified yes they all have LEDs inside the letter.

Mr. Boorady stated okay.

Chairman Lancaster stated on their picture it talks about it being dual color black and white, assuming that's what you are talking about that it be a white edge around it.

Mr. Boorady stated when you look at the photograph rendering on the bottom right hand side of the page, it is hard to see it but there is a specification that says there is a white trim and I think that's so you can see the LED illuminate the black.

Chairman Lancaster stated to illuminate the black to make it stand out.

Mr. Boorady stated you need something translucent and black isn't it.

Chairman Lancaster mentioned yeah.

Mr. Boorady stated so those are the colors and that was Item #7 in my report. I'm guessing those are the corporate colors for Benjamin Moore and Ace so you are pretty much bound by cooperate colors.

Mrs. Maloney testified right.

Mr. Boorady mentioned Item #8, I want to confirm that the LED lighting is contained within the Plexiglas letters and that we wouldn't be staring at diodes either above or below or to the side.

Mrs. Maloney testified they are behind the letters, inside the letter you can't see it from above, below or the side.

Mr. Boorady stated okay so they will be shielded.

Mrs. Maloney testified yes.

Mr. Boorady stated Item #9, I already asked that but I think all the letter will be illuminated.

Mrs. Maloney testified yes.

Mr. Boorady stated okay. Item #10 the times of illumination?

Mrs. Maloney testified it was suggested 5 P.M. to midnight and it will be on a timer.

Mr. Boorady asked what time do you open and close.

Mrs. Maloney testified Monday through Saturday is 8 A.M. to 9 P.M., Sunday 9 to 6.

Mr. Neiss asked what are the hours of illumination.

Mrs. Maloney testified 5 P.M. to midnight.

Mr. Boorady mentioned so on a Monday through Saturday the sign light will be on for 3 hours past closing and on a Sunday it will be on for 6 hours past closing, assuming if it is dark before 6 P.M. on a Sunday during the wintertime.

Mrs. Maloney testified right.

Mr. Boorady stated okay and they will be on a timer.

Mrs. Maloney testified right.

Mr. Boorady mentioned if the board has any concern about the sign lighting being on past a certain time you know now is the time to ask a question, or if you can think about it and ask it later.

Chairman Lancaster stated based on driving by there you have the parking lot lights are on and this is going to be a lot smaller, at least from my standpoint because I've been there midnight and the parking lot lights are on.

Mr. Boorady stated yeah.

Chairman Lancaster stated again we are not talking glaring lighting that is shining down on people, at least that's my opinion.

Mr. Boorady mentioned I just note that that gave the perception that the store is open if it is on until midnight, but if you don't have an objection to it I certainly don't.

Item #11 I believe all the structural components and signs from the north side of the building which is where the drive thru was have been obliterated. I think the only thing you see on that side of the building is the little overhang that was for the old drive thru and I don't really think that's a sign frame it was just the drive thru overhang.

Chairman Lancaster stated it was just the drive thru overhang. Based on the pictures they provided that's all that is there.

Mr. Boorady stated I think all the signs are gone and there is no proposed signs on that side of the building correct?

Mrs. Maloney testified correct.

Mr. Boorady stated okay. Item #12, there are certain regulations on window signs so the signs that you have like items for sale taped to the windows there are restrictions on them, 35% is the max and you can read through that and they can't be up for more than 30 days.

Mrs. Maloney testified we are at 23%.

Mr. Boorady stated yeah as long as you agree to adhere to those window sign requirements.

Mrs. Maloney testified okay.

Mr. Boorady mentioned Item #13 we are going to need a structural report before the signs can be ordered so that we can make sure that what you are ordering is going to withstand wind load and the dead load of the sign itself and be affixed properly.

Mrs. Maloney testified okay.

Mr. Boorady mentioned that's also in the borough's code so they have to perform that.

Chairman Lancaster stated that will be a condition of approval.

Mr. Boorady mentioned before any permits they have to review the structural report to make sure the sign is going to stay up.

Chairman Lancaster asked does the applicant have any problem with that.

Mrs. Maloney testified no problem.

Chairman Lancaster stated okay.

Mr. Boorady stated great. Item #14 is a sunset ordinance, after 180 days of being closed you are required to take down your sign. We hope you never have to close but we have to put that in there just in case.

Mrs. Maloney testified we agree to that.

Mr. Boorady stated Item #15, 16 and 17 are the standard requirements; inspection fees/as-builts, and I don't know if there is the non-residential development fee whether it applies or not, but the borough attorney will let us know or the special attorney for housing will let us know.

Chairman Lancaster stated the special attorney.

Mr. Schepis asked due to the nature of the application I'd ask that you waive the requirement to post a performance guarantee associated with the sign. I can understand we need engineering inspection fees and you know it is even difficult to estimate what that would be, but I'm sure Tom can give us a number. What can it be to come out and inspect the sign after it is installed maybe two visits?

Mr. Boorady stated I don't have an objection to a performance guarantee as long as the board doesn't. I mean it is a sign but that's up to the board to decide. I don't know if it is a mayor and council decision, I don't know how the ordinance is written to waive that fee.

Mr. Wild stated we'll defer to the board, mayor and council.

Mr. Schepis stated that's nice of them they are always so helpful. I mean look what is there to bond that they put the sign up so we've ask that you waive that. Whatever the inspection fee is whatever the escrow fee is we will post that.

Chairman Lancaster stated okay.

Mr. Schepis stated as-built plans certainly as it relates to a plan that shows what was actually built sure we will provide that as part of the final approval of the sign.

Then as far as the non-residential development fee it is what it is, welcome to New Jersey.

Chairman Lancaster stated yup.

Mr. Neiss stated so apart from the waiver request the applicant has no issue in complying with the requirements or the recommendations of Mr. Boorady's letter.

Mr. Schepis stated no. We went through it and except for the performance bond you know.

Chairman Lancaster asked any other questions or comments by the board. Okay this is also a public hearing and Tom I'm asking for a public hearing.

Mr. Boorady stated I'm awake.

Chairman Lancaster stated I'd like to open it up for a public hearing on this application. If anybody from the public wishes to come up and comment on it, feel free to do so?

Mr. Hurford stated my name is Richard Hurford, 108 Main Street here in Lincoln Park. I would just ask the board to reconsider the question of leaving that light on until midnight. The kind of signage light that we are talking about is not the same kind of lighting that you would find in a parking lot. I think if they are closing at 9 there is no need for the lights to be on until midnight. I can see leaving them on longer but until midnight I think that is exaggerated.

Chairman Lancaster stated okay, thank you.

Mr. Wild mentioned as far as lights shining that type of light behind the thing it doesn't seem to be a problem. You know the bike shop they are on.

Chairman Lancaster stated that's on and again part of it is advertising and keeping it on so when people drive by, I don't particularly have a problem with the midnight time.

Mr. Hurford stated I'd be curious what time the other lights go off in that strip mall. I know McDonalds is open later but what about Carvel and Verizon what time do those lights go off in comparison to what is being requested and to each other?

Mr. Boorady mentioned I know Frank's is closed because they have all their neon lights off, but I don't know if their box sign is on or off?

Miss D'Antono asked can somebody find out what the general rule of thumb is over there to say like lights off at, well I guess the first question is what time does each business close at night; and then two would be, do all the lights in that strip mall go off universally at the same time or is everybody on a different schedule?

Ms. Ward mentioned they are on different schedules.

Ms. Moeller stated basically if you go through there like 10/10:30 at night it is pretty dark over there.

Ms. Ward mentioned but they go off at different times over there they're not all the same.

Ms. Moeller stated right.

Miss D'Antono asked can you make everybody do uniform like lights off at 11, or everybody's condition is different because each applicant came before the board and said their hours are x/y right.

Mr. Neiss stated you can't make them do something if they are already doing it. You can't change the rules.

Miss D'Antono stated okay I'm just throwing it out there.

Chairman Lancaster stated I can see on the outside turning them off at 11.

Mr. Schepis stated we can live with 11. I was just speaking to Jaime about it while the discussion was going on and we can live with turning the sign off at 11.

Chairman Lancaster stated okay that seems a little bit more reasonable no problem with that.

Ms. Moeller mentioned for the sake of the people across the street in the apartments 11 o'clock is probably better.

Mr. Schepis stated okay.

Miss D'Antono asked what time does CVS close over there I think ten or eleven right?

Chairman Lancaster stated CVS closes at 10 and their lights are on for a while after that.

Mr. Wild stated yeah.

Chairman Lancaster stated I've just never paid attention.

Miss D'Antono mentioned everyone is driving to get home and you just want to get home.

Chairman Lancaster stated yeah you just want to get home right.

Ms. Moeller mentioned the town is pretty much dead after 10 o'clock at night.

Chairman Lancaster asked if there anybody else from the public who wishes to comment. Seeing none, I'll close the public hearing. So other than the change to 11 and also I would assume this would be a memorialization?

Mr. Schepis mentioned we'd ask you to act on it tonight and then memorialize it in the future. I would just like to comment briefly on the law so that we have a complete record.

In this context I believe the board can grant the relief requested from the sign ordinance under Section C.2.40:55D-70, commonly known as the flexible c variance and I'll give you the highlights from the statute. Wherein the application or appeal relating to a specific piece of property, the purposes of this act, that's the MLUL or and then it goes onto other statutes, would be advanced by the deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment to grant a variance allowing departure from regulation pursuant to Article 8. Those regulations are local zoning.

So when you look at the purposes of the MLUL they are found in Section 2 and I found two which I believe that are advanced by the deviation. That is found in Subsection A, to encourage municipal action to guide the appropriate use and development of all lands in the state in a manner which will promote the public health, safety, morals, and general welfare.

Subsection G of that section, to provide sufficient space and appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses in open space both public and private according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. What I would submit to you is that by deviating from this standard you are enabling this business to help to be successful. There is nothing that a greater blight on a community than to have a large anchor store in a facility like this sit vacant.

I remember I use to cringe by this site every time I drove by for rent I mean it is just terrible. It is terrible for your town and for the other people in the strip mall and here when you get a company like this with a track record with some other 21 stores to back it up, it is really what this town needed to see in this site somebody that's got a little moxie that they can come in and command a nice facility like this. I've been in it and they have quality merchandise very similar to like a Sears. They have a lot of Craftsmen, they have Benjamin Moore backing them up, and it really is a great attribute to the neighborhood and to the town. This helps foster that store and in many ways I believe it will further the purposes of the general welfare of the borough and likewise is appropriate for this commercial use in order to meet the needs of New Jersey citizens. They employ local people and have the hope of doing more and what I really think you should look at in the photographs this speaks a lot.

There was a smaller banner up there at one time and it was about 4 x 10 approximately, 40 square feet and it almost represents what a conforming sign would look like and it looks preposterous compared to the massive building. First you could barely read the letters and on top of that you couldn't even understand what was written there from a distance of 170 feet driving by, so it was unintentional when I took the picture but it is really a great piece of evidence to demonstrate what a conforming sign would look like and why a larger sign is really appropriate, so that all being said we ask that you grant the approval. Thank you.

Chairman Lancaster stated thank you. That was a little bit more than a minute.

Mr. Schepis stated it was close.

Chairman Lancaster stated moving forward approval/motion?

Mr. Wild moved it.

Mr. Kaufman seconds.

Chairman Lancaster stated that's given all the information discussed from the engineer's report.

Mr. Ward mentioned this will be a memorialization.

Roll call:

Yes: Wild, Kaufman, D'Antono, Lancaster, Marino, Moeller, Terrero (Alt. #1) and Morreale (Alt. #2)

No: None

Abstain: None

Mr. Schepis thanked everyone.

Mr. Chairman before I leave, it is unrelated to this application, I submitted a letter to the board relative to the Laman subdivision asking for an extension.

Chairman Lancaster stated we will get to that.

Mr. Schepis asked tonight.

Chairman Lancaster stated yeah.

Mr. Schepis mentioned I will wait around then.

Chairman Lancaster mentioned Item #4 was a request from you and just for the record I wanted to make sure the BioFuel time extension is being carried until the April meeting.

Ms. Ward mentioned the April 21st meeting.

Mr. Schepis stated terrific.

Chairman Lancaster asked Steve to hang around for a couple of things.

Mr. Schepis agreed.

Chairman Lancaster mentioned Item #5 is the appointment of subdivision, site plan, downtown improvement, ordinance and master plan committees. I sent out an email to everybody and the proposed committees and chairmanship were in your packets and that is what I proposed. I'm on a couple of them but I'm not chairman of any of them but if needed, I can fill in. Unless there is any negative comment that is what the committee structure will be.

One of the things that Joan brought up the last time, and the mayor brought it up, is changing the time for the planning board meetings to move it to 7 or 7:30 so we can get done earlier. I'd like to hear what the board thinks about it as far as being able to make it.

Ms. Ward mentioned the board of adjustment begins at 7 P.M. and ends at 10 P.M. Council starts at 7:30 P.M. but their meetings are different and usually shorter than ours.

Chairman Lancaster mentioned much shorter.

Ms. Ward stated we cut off at 10 with the board of adjustment. We were 8 to 11 but that groups likes the 7

P.M. start because most members are up earlier for business purposes.

Chuck Blewett mentioned 7 or 7:30 was fine for him. Mayor said either 7 or 7:30 was good for him so now it is up to the rest of the board.

Ms. Moeller mentioned 7:30 is fine because I usually get out of work at 8 P.M. on Thursday night, but I have been leaving 15 minutes early so I can possibly go in a half hour earlier and leave at 7:30. It would take me a few minutes to get here.

Chairman Lancaster stated for me 7 or 7:30 is fine. Right now we have a cut off at 11 but the cut off would be 10 or 10:30.

Ms. Ward asked would 7:30 be better for everyone.

Miss D'Antono stated no absolutely not I'm the 8 o'clock girl. I had 10 minutes to eat dinner. I will be really miserable I can't do any earlier than that.

Chairman Lancaster asked Josh.

Mr. Kaufman stated I'm good with anything.

Mr. Wild stated I'm good with anything.

Mr. Marino stated I'd like earlier.

Mr. Terrero stated I'm good either way.

Chairman Lancaster mentioned we have everybody except one that it is good for.

Miss D'Antono stated I'm sorry I can't be here any earlier.

Mr. Wild mentioned 7:45.

Ms. Ward stated you want to be difficult.

Mr. Boorady asked do I here 7:40 no.

Chairman Lancaster stated I can see moving to 7:30 and Trish if you show up a little late that's fine.

Miss D'Antono stated I'm the 8 o'clock girl do what you want.

Chairman Lancaster mentioned I understand the reason for wanting to get out a little earlier as well.

Miss D'Antono stated 7:30 is not doable for me but that's my position on it.

Ms. Moeller asked do you think 7:30 is going to help us get out that much earlier or are we just going to push it until 11 anyway.

Ms. Ward stated we cut it off at 10 o'clock with the time change. When we had the nursing home project with the board of adjustment, Mimi thought we were going to 11 o'clock. When they changed the meeting time, they cut it off at 10.

Miss D'Antono stated I just can't do it so eight o'clock works for me.

Chairman Lancaster stated 8 o'clock works for me too.

Miss D'Antono stated you'd better take a vote Mr. Chairman with the nays and the yeas.

Chairman Lancaster asked how many people are willing to keep it at 8 o'clock.

Ms. Moeller stated I'd be willing to keep it at 8.

Chairman Lancaster stated four.

Mr. Marino stated I vote earlier.

Mr. Terrero mentioned I prefer earlier but if everyone wants 8 I'll do 8.

Chairman Lancaster stated it looks like we're keeping it at 8 o'clock.

Ms. Ward stated okay.

Miss D'Antono thanked Kevin.

Chairman Lancaster stated ordinances Sal. Have you gone through any of that?

Mr. Marino stated we are not ready.

Chairman Lancaster stated okay.

Ms. Ward mentioned well you just appointed the committees tonight.

Chairman Lancaster mentioned you'll set up a meeting to talk about it.

Mr. Marino stated I will.

Chairman Lancaster stated okay. That brings us to any other business which may arise. The first one is the letter from Steve Schepis concerning Laman.

Mr. Schepis mentioned thanks for hearing me on such short notice.

Mr. Kaufman stated Mr. Chairman I'm within the 200 foot radius so I'm going to recuse myself.

Chairman Lancaster stated okay.

Mr. Schepis mentioned the Lamans came before you and there was a resolution of approval that was adopted, I think it was August 15th granting the minor subdivision approval. When they submitted the application, they didn't propose any type of municipal improvements and the board required that the Lamans expand the pavement on Clover Lane, do some curbing and sidewalk improvements so it got a little more complicated. The statute has this requirement of 190 days to perfect an approval and by the time you get the plans modified and the engineering cost estimate and the deeds prepared, the descriptions prepared the 190 days is like not practical. We've done our best to meet the 190 days but it expires at the end of this month.

Everything has been done that needs to be done. The deeds have been prepared and they are still being reviewed. The descriptions were reviewed and approved by the borough's surveyor, the engineering plans have been reviewed and I believe they were approved. It seems that we've got everything in place but just in the amount of time that it is going to be necessary to secure the final approval of the draft documents and then as a condition of perfecting the approval, the board I guess required the applicant to actually do the improvements. So with the weather we are having right now this time of the year he is not going to get out there in the next two weeks and put in the curbing and expand the pavement. So it would seem that probably late spring the improvements would be in, the expanded pavement of Clover Lane, the curbing and the sidewalk modification, so just to play it safe I would ask you to extend it to September 1st or something like that in my letter just to give us a full year in order to wrap it up so an extra 6 months.

Chairman Lancaster stated 6 months.

Mr. Schepis mentioned the bottom line is that there has been no changes in the zoning as it relates to this so if we did have to come back here and represent that entire matter, I think it wouldn't be fun for anyone. I think that ultimately everybody does their best but six months is really not a lot of time to do much of what we had to do.

Mr. Neiss asked are you making this application under 52:D.

Mr. Schepis stated I think it was D yes.

Mr. Neiss asked are you compliant with all the requirements of that section.

Mr. Schepis states as far as I know yes. We did have some outside agency review and approvals that did take some time. We had to get a county approval, then likewise the borough doesn't have an in-house surveyor so we had to get his approval and you know it was like part-time so it took a long time to get stuff done. Now everything seems to be almost there.

I mean it was like we just did nothing I mean everything is ready to go. Now he has to come to terms on some of the finalization of some of the subdivision items, and I received a call from one of the attorneys from the planning board attorney's office and we discussed the form of the subdivision deed and I think we've come to agreement on that. So weather permitting, money permitting, the Lamans will be out there taking care of their public improvements within the next 3 to 4 months and then will be able to get it all signed up.

Mr. Neiss asked you spoke to Dan Steinhagen from my office today.

Mr. Schepis stated yes I did. He had a questions about whether we should have 3 separate deeds or just one deed, and I had mentioned to him this is the way the tax assessor in Lincoln Park always directed it because he wanted one deed in each one of the files that was separate for each one of the lots, so when he set it up as a separate line item there was the source deed by which this was created individually and then this way every deed after that would follow in course.

Mr. Neiss stated right.

Ms. Ward mentioned he sets it up like with the mother lot and then each lot has their own lot number.

Mr. Neiss mentioned as individualized subdivisions.

Ms. Ward mentioned the three deeds were given to Andy to review the format.

Mr. Neiss stated okay.

Chairman Lancaster mentioned again we are just talking about a time extension for finishing up the conditions of approval.

Mr. Schepis mentioned finishing up the conditions of approval. Actually in this instance there was the requirement that they actually install those public improvements prior to perfecting. We got into the whole issue of the developer's agreement and no developer's agreement, bonding and no bonding, and we offered up a concession that we'd install the improvements prior to perfecting so that this way you know it was done.

Mr. Neiss asked what would the expiration date have been.

Mr. Schepis stated it would have been the 26th of this month.

Chairman Lancaster stated we are extending it 180 days until September.

Mr. Neiss mentioned okay a one year provision.

Mr. Schepis states yeah.

Chairman Lancaster stated correct. Nothing from a legal standpoint that would stop us?

Mr. Neiss stated I don't think so.

Mr. Schepis mentioned I'll just have to add that on the subdivision deed because otherwise the clerk at the county would look at the date of approval that is on there and I'll just say that the board extended it to whatever date you give us September 1st that will work.

Miss D'Antono asked do you feel competent that you'll be done with it by then.

Mr. Schepis stated oh absolutely.

Ms. Ward asked this will be done by resolution.

Mr. Neiss stated this should be done by resolution.

Ms. Ward stated then we have a record of it.

Mr. Neiss stated just so you have something.

Mr. Schepis stated absolutely it is always good to have something in the file.

Chairman Lancaster stated okay. You are looking to put it until September 1st?

Mr. Neiss asked do you want us to prepare that.

Ms. Ward stated yes.

Mr. Schepis mentioned terrific.

Chairman Lancaster asked will that be a memorialization or the resolution for next month.

Ms. Ward mentioned I guess it would be a memorialization of your action tonight.

Chairman Lancaster stated it would be a memorialization of our action tonight.

Mr. Neiss stated yes do it now.

Chairman stated I just wanted to make sure. Any other questions by board members? Asked for a motion.

Ms. Moeller made the motion to extend.

Miss D'Antono seconds.

Chairman Lancaster stated until September 1st.

Roll call:

Yes: Moeller, D'Antono, Lancaster, Marino, Wild, Terrero (Alt. #1) and Morreale (Alt. #2)

No: None

Abstain: None

Mr. Schepis thanked the board. I'm sure the Lamans will be ecstatic.

Chairman Lancaster mentioned the only other thing is the COAH thing the whole judicial process is moving forward and the town has to put in a COAH plan to the judge next month.

Ms. Ward mentioned Betsy thought she would have the Housing Element & Fair Share Plan ready for this month but it was not ready. She was here yesterday and she mentioned it will be on the March 17th meeting for discussion. Betsy, council and administration want the planning board to meet on Monday, March 21st for a special regular meeting at 7 P.M. for a public hearing on the Housing Element & Fair Share Plan. Betsy anticipated the meeting running about a half hour. We'll have the public hearing and adopt the resolution. Council will then have their meeting regular meeting and have the Housing Element & Fair Share Plan on its meeting so everything can be sent to the judge.

Would everybody be available for a special regular meeting on Monday, March 21st at 7 P.M. sharp just on the Housing Element?

Chairman Lancaster stated Trish won't.

Ms. Moeller stated I think I have an education meeting that night.

Mr. Neiss asked who will handle the notice for that.

Ms. Ward mentioned I will. I'll be putting it in the newspaper and noticing all the municipal clerks and the county. Betsy has the resolution on the Housing Element from the last time. I can forward you a copy.

Mr. Neiss mentioned send it to Andy.

Ms. Ward stated I will. Betsy said she would have the resolution for us. I don't know if Betsy prepared it the last time or Brian?

I know I have to give the Housing Element to the county with their notice but I usually give a copy of the document to the adjoining municipal clerks too.

Mr. Neiss mentioned you don't have to do that.

Ms. Ward stated I know I don't but as a courtesy I usually do. After we adopt it the county and clerks are notified of the adoption and the county gets its certified copy with their notice in 30 day time period. I'll put the decision notice in the newspaper too.

Mr. Neiss stated it sounds like you know your stuff.

Ms. Moeller asked Joan to send out an email reminding us.

Ms. Ward mentioned I will. I just wanted to know if everyone was available because I need 5 for quorum.

Chairman Lancaster mentioned I can make it.

Mr. Kaufman stated Monday is a fire department drill.

Ms. Ward mentioned that's not good because it would be you, Dave, Sal and the mayor on the 21st. We may not have a quorum so then what we do?

Chairman Lancaster mentioned Jim will be there for the council meeting. I can make it.

Ms. Moeller stated I'll see if I can.

Chairman Lancaster stated Jonathan can make it.

Mr. Terrero stated I'm going to say yeah but I have to check my calendar.

Ms. Ward mentioned okay.

Chairman Lancaster stated if Chuck can make it maybe we can do five.

Ms. Ward stated okay.

Mr. Wild stated the mayor should be able to make it.

Chairman Lancaster mentioned yeah but the fire drill.

Mr. Wild mentioned but he has the council meeting.

Mr. Kaufman asked this a 7 o'clock meeting.

Ms. Ward mentioned she is saying 7 o'clock sharp and she believes it is going to be no more than a half hour. The council meeting starts at 7:30.

Chairman Lancaster stated it is before the council meeting.

Ms. Ward mentioned we have to do this because we are under court order to have it in by a certain date.

Mr. Kaufman stated if it ends at 7:30 then I can probably make it.

Chairman Lancaster stated it is tight but it looks like we should be able to have it.

Ms. Ward asked Sal do you know when the fire department drills are.

Mr. Marino stated we start at 7.

Mr. Kaufman stated we started at 7:30.

Mr. Marino stated I will confirm that.

Chairman Lancaster stated okay. It looks like we should be able to make it. Send an email out to everybody tomorrow.

Ms. Ward stated I will. Just respond back to me so I know we have a quorum.

Mr. Wild mentioned it has to happen somehow.

Ms. Ward stated I know because we have to meet the deadline.

Mr. Wild stated we have to meet the deadline.

Ms. Ward mentioned I know we do.

Chairman Lancaster mentioned the only other thing under any other business is that we do need to have a master plan committee to talk about where we want to go with some additional information we got from Capodagli and Meridia. So between now and the March meeting we will have to set something up.

Next week we have a DRO meeting and we have other meetings going on too.

Ms. Ward stated oh I forgot about that one.

Chairman Lancaster stated we'll have an email going out to Chuck, myself, Trish and Donna.

Mr. Boorady mentioned I have one miscellaneous item to add to any other business.

Chairman Lancaster stated yeah.

Mr. Boorady mentioned the Lincoln Park Public Library is proposing a 700 square foot addition for a children's room, children's wing on the PAL building side and I guess the question came up do they need any kind of cursory or any kind of board review from the planning board. They are a public building and I'm not sure if they need planning board approval, but the question came up if the board was interested on having a quick look at what they are proposing to do and whether a public meeting was necessary, or does everybody want to have a copy of the plan to have any comments? I'm just here to mention the fact that there are plans for this.

Chairman Lancaster stated I know when they were building this building and stuff, we did review it. It was more of a courtesy review than an approval review. Same thing like school and stuff but it is a courtesy review.

Mr. Neiss mentioned I think the library would be a courtesy review.

Mr. Boorady stated right that's what I thought. But is that something you would like to see as courtesy review? Do you want to have a courtesy review? I'm asking the question to get back to them that's all.

Chairman Lancaster stated I think that we would.

Mr. Boorady stated it wouldn't hurt okay. I have plans if anyone wants to take a look at them quickly.

There was only one copy sent just to let us know what was going on and I wanted to bring it up tonight because it just came up.

Chairman Lancaster mentioned see if we can get it on for the March meeting.

Mr. Boorady stated okay.

Ms. Moeller asked the food stand for the PAL is right next door to the library isn't it.

Chairman Lancaster stated yeah it is pretty close. We need to look at the plans and review it.

Ms. Moeller mentioned they are probably going to take that parking lot.

Ms. Ward stated Stephanie said they are not it is only going in the grassed area.

Mr. Boorady stated it is only in the grassed areas.

Ms. Ward mentioned I don't believe the parking lot is affected. They are also doing interior renovations too.

Chairman Lancaster mentioned again that would be a reason to do a courtesy review just to make sure we are all on the same page.

Mr. Boorady stated thanks great.

Chairman Lancaster asked any other business.

Motion to adjourn.

Mr. Hurford asked how soon can the public find the names of the people that are going to be on the various committees, or do we have to wait for the official publication of the minutes which is sometime in the future.

Chairman Lancaster asked can we post them on the website I don't know.

Ms. Ward mentioned that's not post on the website. They can have a copy of it, I guess it is public information.

Motion to close.

Mr. Kaufman made the motion to close.

Ms. Moeller seconds.

Meeting adjourned 9:56 P.M.

Respectfully submitted:

Joan Ward, Secretary

Kevin Lancaster, Chairman