

Minutes of the Park Ridge Planning Board
Meeting of July 28, 2010

These minutes have not been approved and are subject to change by the public body at its next meeting.

The regular meeting of the Park Ridge Planning Board was called to order by the Chairman, Raymond Mital, on the above date, time and place.

Chairman called for the Pledge of Allegiance to the Flag.

ROLL CALL: Present: Messrs. Browne, Brouwer (8:45), Mesiano, Mital, O'Donoghue, Oppelt, Von Bradsky, Councilman Maguire
Absent: Mr. Saluzzi
Also Present: John Ten Hoeve, Jr., Board Attorney
Eve Mancuso, PE, Board Engineer
Brigette Bogart, PP, Planning Consultant

COMPLIANCE STATEMENT:

The Notice for this meeting required by Section 3(d) of the Open Public Meetings Act has been provided by the adoption of a resolution by the Park Ridge Planning Board on January 15, 2010, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 15, 2010 and by posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereof and by filing the said schedule in the office of the Borough Clerk.

ANYONE PRESENT WISHING TO BE HEARD: (non-agenda items)

There was no one.

APPROVAL OF MINUTES:

Motion made by Mr. Oppelt to approve the July 14, 2010 work session minutes as written.

Motion seconded by Ms. Eisen:

AYES: Mr. Von Bradsky, Ms. Eisen, Mr. Browne, Mr. Mesiano, Mr. Oppelt, Mr. Mital

ABSTAIN: Mr. O'Donoghue, Councilman Maguire

Motion made by Mr. Brown to approve the July 14, 2010 closed session minutes as written.

Seconded by Mr. Oppelt.

AYES: Mr. Von Bradsky, Ms. Eisen, Mr. Browne, Mr. Mesiano, Mr. Oppelt, Mr. Mital

ABSTAIN: Mr. O'Donoghue, Councilman Maguire

PUBLIC HEARING:

MARK PRUSHA – 82 Rivervale Road R-15
Lot: 1 Block: 2007

Antimo Del Vecchio, Esq. of the firm of Beattie Padovano came forward representing the applicant.

Chairman Mital advised that considering the board's schedule and the fact that there were several other matters that had to be handled this evening, testimony would have to stop at 9:30pm...well, at least I got a smile out of you.

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DEL VECCHIO: I am smiling because I asked to go beyond 10:00pm and instead of going beyond 10:00, I am getting pushed back to 9:30pm...that's why I am smiling.

MITAL: I was trying to figure out a way to blame someone else for this but unfortunately I can't and I don't do it with joy.

Are we starting up with your planner this evening?

DEL VECCHIO: I am going to recall Mr. Eichenlaub briefly only because since the last meeting we did submit a revised set of plans and I would like to mark those in evidence and have Mr. Eichenlaub briefly summarize for the board the changes that were made in those drawings.

Essentially the drawings have been changed to reflect the comments and responses of the previously given by the experts including Mr. Eichenlaub of questions that were raised either by the board or in the various professional reports.

With that said, I would like to mark the R&L engineering drawings as A-9...they consist of 6 sheets and were last revised on July 14, 2010.

TEN HOEVE: Perhaps while we are marking those, there's a report that came from the borough engineer that I believe you were given a copy of tonight. I think board members just also received that this evening as well.

We can mark it as board exhibit ...in fact, I'm not sure if we've marked any of the prior reports.

DEL VECCHIO: No, none of the prior reports have been marked in.

TEN HOEVE: Why don't we just start with that as B-1...a report from the borough engineer bearing the date of July 27, 2010.

DEL VECCHIO: Mr. Eichenlaub was previously sworn and is under Oath this evening. Why don't you explain to the board the changes that were made to the drawing that we now have marked as A-9.

EICHENLAUB: I will take it drawing by drawing.

Drawing #1 is our title sheet and there are no changes to that.

Drawing #2 is the existing condition map...I've highlighted the revision date of 7/14/10...to that drawing we've added the soil logs and we've indicated where those soil test pits were done...that was testified to at the previous two meetings...there were three test pits. We've also shown on this drawing and I apologize because I am not sure it should be shown on this drawing because it is an Existing Conditions map but we show the realignment of the existing drainage easement across the rear of the property...so we do, and we are willing to, realign that drainage easement with the pipe itself being in the center of the easement. Those are the changes to drawing #2.

DEL VECCHIO: You revisited the site since you last appeared here, correct?

EICHENLAUB: I've been out there four times since the last meeting.

DEL VECCHIO: There was some concern expressed either in a report or comments about tire tracks in the restricted areas of the site. Do you have any further information on where those tire tracks came from?

EICHENLAUB: Well, I know where they came from...they came from Mr. Prusha, who has a rubber tire excavating machine and that's what was used to excavate the test pit. If you were to go out there today, you can still see the ruts but they are no different than they were three months ago.

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DEL VECCHIO: They were from the test pits.

EICHENLAUB: Correct and in fact, that area is all overgrown...it is heavily weeded right now from where it was back in April. So that's where those tracks came from and they are located right in this area here...probably to the north third, just to the south of test pit #1.

Drawing #3 is our Subdivision layout and Landscape Plan...this drawing we have made revisions...the Fire Department has asked that we upgrade the fire hydrant on Rivervale Road, which is to the north of us...we've indicated that that is to be done. We've also relocated the proposed new hydrant that we were looking to install at the south end of Local Street and it is now indicated to be moved to the intersection of Morningside and Local.

We've also on this the Conservation Easements...we are calling out two easements, one to the north of the proposed driveway to Lot 1.02 and the second one, Conservation Easement #2 would be to the south....that is the hatched-out areas you have on your drawings. We've also added a row of Spruce between proposed Lot 1 and proposed Lot 1.02 as requested in the planner's report, which is basically a buffer between the proposed Lot 1 and the dwelling located on Lot 1.02.

We've also staggered... where we had all of the plantings along the perimeter property lines in a straight line; we've now staggered those plantings.

DEL VECCHIO: Those plantings are not in a raised bed.

EICHENLAUB: No, they are not in a raised bed...there will be no berm.

We have also added a guide rail along the proposed driveway to Lot 1.02 and we now have additional trees, which we have highlighted.

Our plans have always indicated that all of the walkways and patios are to be removed...there was a question that there was an existing walkway from the rear of the driveway at the existing dwelling back to the second dwelling to the rear of the lot...that proposed walkway was always to be removed...we've simply highlighted it and indicated that the concrete walk was to be removed. Those are the changes to that plan.

Drawing #4, Grading and Drainage Utility Plan...basically is the same...we've indicated the changes due to hydrant locations and the replacement of the existing...we've also got the utilities to Lots 1 and 1.01, which will come across Rivervale Road with an aerial line with pole on the west side of Rivervale Road and then the utilities be brought underground to the proposed dwellings. We've also shown the guide rail and we've altered some of the grading around the proposed driveway to lessen the impact in existing terrain.

DEL VECCHIO: The grading change was necessitated by comments from the NJ DEP?

EICHENLAUB: That is correct.

We've also indicated, as I discussed two meetings ago, that we would provide for a widened pavement extension of Local Street at the south end for snow removal so that the DPW has an area to plow the snow. We've indicated that.

We've also indicated what I will call a slot drain...we've indicated it as a trench drain...we excavate and fill it with stone and a pipe which will be located to the north side of the dwelling on Lot 1.03...that will collect runoff from our neighboring lot, Lot 3, as it drains to the south and that will be conveyed to the drainage system up at the end of Local Street.

We've also indicated the flow of water as it presently exists and the way we've graded the lot so the drainage from Lot 1 will come down and

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circle around the southeast corner of the proposed dwelling on Lot 1.02 and it will just follow the existing drainage pattern back to the wetland area.

Also we've indicated by installing the additional pavement at the end of Local Street there was an additional tree to be removed to accommodate that and we are also removing where we called for one tree to remain behind the proposed dwelling on Lot 1.03...that will now be removed so we've changed our tree removals and increased that by two.

DEL VECCHIO: Under the driveway crossing, the type of pipe that you have there...

EICHENLAUB: The pipe hasn't changed, the inverts have changed. I testified at the last meeting that DEP requested that we bring that pipe up, so where it was 129 at the upstream inlet we now have 130...and we are at 129 at the outlet at the south end of the pipe.

MITAL: Would you just point again to where you suggested the change in the grading?

EICHENLAUB: To the north side of the turnaround for the driveway for Lot 1.02. We originally had the grading swing out away from the driveway, we've now pulled it in and it is more concave and convex. We made a very slight change but it was a change.

TEN HOEVE: Why did they ask for it?

EICHENLAUB: Just to lessen the impact because a portion of this grading falls within the wetland area and the buffer.

DEL VECCHIO: You mean they wanted the applicant to reduce the area of disturbance necessitated by that grading.

EICHENLAUB: Correct. Even though it is already grass area and will be revegetated as grass, they asked that we pull that back. It wasn't a big deal and we had no problem with that.

One other thing, with our tables for the impervious coverage on driveway...where we increased the pavement at the end of Local Street we attached that, obviously, to the two lots, Lot 1.02 and Lot 1.03, so the driveway coverage changed slightly, still within conformance so we've actually highlighted that. It went up about anywhere from 250 to 400 sq ft. to accommodate that increase and that is highlighted on the tables for coverage.

Drawing #5 is our Soil Moving and Sediment Control Plan and basically this is identical to the previous plan, our Grading and Utility Plan. It is required of us for submission to the Soil Conservation District, again the same changes...the hydrants, the utility crossing on Rivervale Road, our grading, the sediment fence has been brought back in tighter to the landscape retaining wall...the same changes that you saw on the previous sheet are incorporated on this sheet.

DEL VECCHIO: This is probably a good time to ask this question...you indicated that you had gone out to the site several times since the last meeting, what was the purpose of your site visit and what did you observe?

EICHENLAUB: Two of the meetings I met with my client to discuss the conservation easements, we also looked the situation to the south side of our property and the concern with runoff coming from our property running onto the properties to the south of us...again, there is a high point that actually runs along the property line so any drainage on our property would tend to stay on our property until it got back to the wetland area.

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Then I went out there during one of the heavy rains we had about a week ago and there was a considerable amount of runoff given the ground was so hard and the swale line or the drainage line that we show on this map is basically the exact flow path of the drainage off the south side of the property. So for the most part, all of the runoff coming off the existing site flows basically in a westerly direction to the wetland area.

Drawing #6 of 6 shows that we incorporated a stone retaining wall as requested by the engineer...basically these are walls we designed and they give the dimensions at the base and at the top of the wall for the various heights. We've show a trench drain detail with the perforated pipe at the bottom and the crushed stone surrounding it. We've provided for a timber guide rail detail as proposed on the drawings.. We also indicated the change in the pipe beneath the driveway and pavement section for the driveway itself. Those are the changes to the detail sheet.

DEL VECCHIO: A couple of follow-up questions from the report we were looking at in the hallway. I am going to ask you to go through the items in the report marked B-1 and refer to them by number rather than reading the entire entry. Would you respond to #2 of that report?

EICHENLAUB: (everyone rattling papers against microphone...could not understand)

....through 16.....shall be provided...I have testified at previous meetings that back in February 28th that a drainage map was submitted to the town.

DEL VECCHIO: During the course of these hearings.

EICHENLAUB: Actually it was submitted prior.

DEL VECCHIO: Item #3, did you go back and check your notes concerning alternative designs for a cul-de-sac?

EICHENLAUB: Right...as I indicated at the last meeting we looked at two alternatives, one with a cul-de-sac at the end of Local Street and with a cul-de-sac coming in off the end of Rivervale Road. Both provided for three lots. With the cul-de-sac coming off Local Street we weren't able to get those proposed lots because the cul-de-sac fell within the wetlands area and the two lots themselves, where the houses were to be built, one of them would have fallen completely within the wetlands area and the other one would fall within the buffer area. The third lot would have been fronting on Rivervale Road, which would have been fine because it would be conforming.

The other alternative was the roadway coming in off of Rivervale Road located to the south side of the lot. The roadway came in, the bulb extended just beyond where the lot extends back in a southerly direction and that provided us with one lot off the stem of the cul-de-sac and two additional lots located to the rear or west of the cul-de-sac. Again, one falls completely within the wetlands and the other falls partly within the wetlands and fully within the buffer.

As I indicated both of those were early on. They were reviewed. At that time we did not have the extent of wetlands and we looked at what we could put on there by way of roadway and once the wetlands were determined and what impact they would have it was determined that neither of those would work.

DEL VECCHIO: Item #5, regarding sidewalks along Rivervale Road. Is it your understanding that the applicant will install or not install based on the board's direction?

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EICHENLAUB: We've asked for a waiver but if the board wants them in front of our proposed Lot 1 and 1.01 they will be installed. They would be sidewalks to nowhere. They would simply be sidewalks in front of our lots.

DEL VECCHIO: Item #7 concerning the integrity of the 36" pipe within the easement to the borough...what's your position or the applicant's concerning the integrity of that pipe?

EICHENLAUB: Right now, from what I've seen and I have not crawled into the pipe and I don't really want to crawl into the pipe but to determine the structural integrity you would have to determine the gauge of the pipe and do an analysis on it. We are willing to do that if this proposal is approved. We certainly can do that analysis and if it is found that the wall of the pipe is too thin, that section will be replaced. We are willing to replace that section that runs underneath the driveway.

DEL VECCHIO: In terms of the maintenance of the components of the drive that crosses the easement to the borough, is it your understanding and the applicant's position that to the extent that easement needs to be disturbed for maintenance etc, the applicant and/or the subsequent owner of the lot would be solely responsible for restoring the driveway and related improvements?

EICHENLAUB: Yes.

DEL VECCHIO: Assume that question to the trench drain or slot drain that you referred to on proposed Lot 1.03...that maintenance, repair and continued operation and functionality of the drain would be the responsibility of the applicant or subsequent owner?

EICHENLAUB: That's correct, absolutely.

TEN HOEVE: Is that going to be created by some easement.

EICHENLAUB: No.

TEN HOEVE: What document?

DEL VECCHIO: If the borough or the board as a condition of approval requires an easement similar to what we've done on prior applications, that is something we can put in place.

In terms of comment #11, the plantings are going to be all installed at grades that do not affect stormwater flows?

EICHENLAUB: That's correct.

DEL VECCHIO: In terms of comment #14 about the retaining walls, you will, as a condition of approval and prior to building permit, are prepared to submit the necessary structurals for any walls that are required?

EICHENLAUB: Any walls over four feet...I have no problem with that.

DEL VECCHIO: Item #15 providing for fencing along the drip line of the trees...the applicant is prepared to do that?

EICHENLAUB: We do, on our soil erosion plans, indicate that. We do not call out on every single tree but we do say that trees within the areas of disturbance will be provided with those fences.

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DEL VECCHIO: That you Mr. Eichenlaub, I have no further questions. If the board has any additional ones based on the changes that you've made...

MITAL: Anybody on the board have any questions?

MAGUIRE: On drawing 4 of 6...the widened mouth of the driveway...

EICHENLAUB: At the end of Local?

MAGUIRE: Yes, where it meets Local...is it now as wide as Local?

EICHENLAUB: Yes. The curbs within the driveway itself follow the alignment of curbs...actually to the east side that curb line follows and comes off of the curb line on the east side of Local...on the opposite side, what we've got, is we've actually created a turnaround area ... an area outside that Local Street further to the west for both snow removal and turnaround purposes.

So to the west side the curb line comes down and actually goes back on our property in a westerly direction. Basically it would be like what you have backing out of your garage, a turnaround area.

MAGUIRE: Thank you.

You mentioned the runoff and the way it drains to the west there...that house that is currently there in the middle of the property...

EICHENLAUB: Are you talking about our property?

MAGUIRE: Yes..the house that is currently there, right?

EICHENLAUB: The unshaded area is currently there, yes.

MAGUIRE: When you drew your hand across you kind of had the water running through the...

EICHENLAUB: The way we are showing the drain ... the grading will run along just to the southeast of the lot to the back yard where it drains now.

MAGUIRE: So it runs along the back of that house?

EICHENLAUB: Correct.

MAGUIRE: And that's the way it happens today?

EICHENLAUB: That's the way it goes now. In actuality, our neighbors at Lot 2 in the southeast corner of our site...that actually drains in our direction and drains across the rear of the property...that will remain as it presently drains now, we are not altering that.

MAGUIRE: And will both homes that face Rivervale drain that way?

EICHENLAUB: Yes, they are high in the front along Rivervale Road and drain to a low point in the rear, to the west.

MAGUIRE: So the home to the north...that will drain straight back.

EICHENLAUB: That drains straight back, correct.

MAGUIRE: And then the next house would follow...

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EICHENLAUB: The other would follow the path...it would come down towards the house and drain to the south and circle around to the north.

DEL VECCHIO: Will the quantity runoff from the houses with the seepage pits be the same, less or equal post construction?

EICHENLAUB: Less.

MAGUIRE: On drawing #3, what changed there? You added a conservation easement or you moved it or marked it out?

EICHENLAUB: What we've done is, we've shown it, we've hatched it out. Your drawing should have it. We just called that out as conservation easement #2, which is to the south of the driveway and then conservation easement #1, which is to the north. That was requested by NJDEP.

MITAL: In the consideration of the guide rails that you added on the driveway...just thinking about one of the heavier, larger emergency equipment that come in with their outriggers...if they had to actually set themselves up there, would they be able to stabilize their vehicle and do whatever they have to do?

EICHENLAUB: I'll be honest with you...at this point; if the guiderail is taken this far to the north it is going to be difficult for them. On the west side, just beyond the driveway to the dwelling on Lot 1.03, they could extend their outriggers. They are not going to go much beyond that anyway. The front of the vehicle would just extend beyond the guiderail on the west side and the outriggers would be to the rear and the guiderail as we show it, we could shorten because the wall in that area is only a foot to a foot and a half high. We just showed the limits of the guiderail to either end of the walls.

But no they wouldn't be able to extend them out to the east.

VON BRADSKY: Back to the drainage...the house existing in the middle of the property, which is getting the additions to both sides...you don't think those additions will have an effect on the water coming to the west...is there a bottleneck coming around that inside corner?

EICHENLAUB: Right, what will happen is the water comes down and approaches this house...this side will be graded so the water is shed almost like a cricket at a fireplace chimney extension...it would be pushed in a southerly direction or a northerly direction around that side of the house.

VON BRADSKY: So there will be kind of a swale...

EICHENLAUB: In either direction, correct.

VON BRADSKY: Another question...on the extension to Local Street, how would you think that an unfamiliar driver coming to Local Street, how would they know where the road really ends and the driveway starts?

(Mr. Brouwer arrived at this point)

EICHENLAUB: They are not going to truly know because as they are coming down it's going to be pavement. What we have here though is a dropped curb, across here that whole stretch will be curb and we could sign it if you want, "*private driveway*"...but again, the purpose of that was to create an area for snow removal.

VON BRADSKY: I don't remember if you answered this before, but a mail truck...would that go all the way in on this driveway to that furthest house?

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EICHENLAUB: They could, a mail truck would have no problem negotiating this. I'm sure that they are going to request that the mail boxes be placed out towards Local. The area here is more than ample for a mail truck to make the turn. I am not sure if the mail deliveries are by foot in this area or not. I know some of the mail deliveries park their truck and walk the streets and I don't know if they do that here or not.

OPPELT: The grate that you are putting in the west side behind the dwelling on 1.03...

EICHENLAUB: It is not a grate. It is simply a drain. We excavate, we put a perforated pipe at the bottom of the excavation and fill it with crushed stone and as the sheet flow comes across the property line onto our property it is intercepted by that.

TEN HOEVE : It is just stone?

EICHENLAUB: It is just stone.

OPPELT: And if it has leaves on it...

EICHENLAUB: It is similar to grass. I am being perfectly honest with you, we provided this because that was a concern but the way the lot is graded, that water is going to come down and just circle around the back of the house anyway. It is put in as a precaution.

MITAL: The trench drain...is that a fairly typical detail?

EICHENLAUB: I have done it in River Vale, a much longer one than this.

MITAL: Because just looking at it, I wondered if it ever under drains or if the walls fail...

EICHENLAUB: Again, it's a simple excavation. The walls are lined with a fabric so the soil doesn't filter into the stone, it is filled with stone and the pipe is at the bottom of it.

MITAL: Pretty simple.

EICHENLAUB: Yes, it is. Even with leaf cover they have worked well.

MANCUSO: Going back to my letter of July 27th, I reviewed the plans that I had just received on Thursday...item #1 was regarding a note that was leftover from my initial review. When we first met, I believe when the environmental engineer was providing his testimony, there was much discussion regarding redelineating the property and setting out markers marking trees and I was hoping to be contacted to say that was done, so I could revisit the site and be able to better guide my position with regard to tree removal, trees to remain, things of that nature. Has that ever been done because I don't remember being contacted?

EICHENLAUB: No, we have not.

MANCUSO: I think that was more for the environmental engineer so I wasn't sure...

EICHENLAUB: Well, right now we have a metes and bounds for the wetlands, we will have to have John Albin and the surveyor go out there and actually locate that...I know there was a concern with regard to locating the conservation easements so you could see them but then again, the

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conservation easements are the wetlands limit. So it would be one and the same.

MANCUSO: Correct. So is there an intent to put some markers of some sort so we could really get a better feeling for the limits of some of these features?

DEL VECCHIO: I just checked with my client and that is something we can do if the board desires, in terms of marking the limits of the proposed easements.

MANCUSO: Thank you.

Item #3 of my letter...I do believe there was a lot of discussion regarding different concept plans that you, Mr. Eichenlaub, had evaluated early on before you presented this plan to us but I was hoping to see some of those plans presented. I know verbally you had described them to us but I thought we would see them.

Item #4, regarding emergency vehicles...again, I know you verbally testified there was plenty of room but I was hoping to see vehicle turning radii, things of that nature, to see, in fact, what size vehicles could easily traverse that driveway.

Item #6, I don't recall if we received a letter from the Road Department about their feelings about the ability to plow and stockpile snow. Have we received anything?

BEER: We had something from the Fire Department.

MANCUSO: Fire Department I've seen, so I think that is for further discussion.

The 36" CMP, Mr. Eichenlaub just testified to that he will crawl through it and check it for us.

EICHENLAUB: If you follow me, right?

MANCUSO: I'll be waiting at the other end...with a flashlight.

Item #8, is a concern of the Road Department...as the 15" wide drainage easement that is currently on the property needs to be maintained in the future, it appears that the construction of the new driveway is effectively blocking the ability of access to the rear part of the easement. They would like you to be able to continue south along the easement past the driveway and be able to access that full easement. Has there been any consideration as how that might be feasible.

EICHENLAUB: I'm not sure how they wouldn't be able to access the back...it is simply lawn area.

MANCUSO: You would have to come down the driveway, through the...

EICHENLAUB: The curb and then all of this area here is going to remain natural.

MANCUSO: But the easement is the curb and the wall and the guiderail are over the easement. Is it your intent to revise the easement to allow them to go across the homeowner's property because you have their walkway...

EICHENLAUB: Well, the way the easement is now...I'll flip it back to the Existing Conditions Map...we have relocated that easement so it aligns with the pipe, more or less in the center...there is really no guiderail falling in that area there. The retaining wall to the east is outside of that and there are just a couple of stones along the westerly wall at the northerly terminus.

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I don't see where there would be any problem with them gaining access. That easement actually shifts to the west in that location.

TEN HOEVE: to board engineer - Are you saying that unless they had a bigger easement, if somebody put something up there they couldn't get...

MANCUSO: Well, there's curbing first of all and if Mr. Eichenlaub is suggesting that there is going to be a dropped curb, that's one solution...but from the edge of the proposed wall to the edge of the easement, I don't believe there is sufficient room to really have access to the pipe.

DEL VECCHIO: In terms of the application, I would suggest that since this, in my opinion quite frankly, is a minor issue, we can do a mountable curb in that portion to allow vehicles to get over it and to the extent that the road department or someone else believes there is need for additional easement area...I quite frankly don't like to guess what is in somebody's mind...sketch it or just dot it in on a map and give it to us...Rick will look at it and if it is reasonable it is a non-issue.

TEN HOEVE: Is it possible that they are indicating that if a shed or structure went up in that area...

DEL VECCHIO: If you need clear access and you don't think it falls within the easement as we have aligned...just sketch a little bump out along that portion. If it has to go out another five feet, just tell us, we'll take care of it. I don't want to guess at whether it is two feet or five feet. Tell us what it is.

MANCUSO: Ok, so you are suggesting that in the area...

DEL VECCHIO: I am not suggesting anything...

MANCUSO: By the proposed wall?

DEL VECCHIO: I'm suggesting that if there is a comment out there, tell us how you want us to fix it. I can't guess what is in the scribner's head and I can't pick up the phone and call them because of the board's procedures.

MANCUSO: I would be happy to describe it to you if you would let me continue.

DEL VECCHIO: Describe it to Rick, because I couldn't possibly sketch it.

MANCUSO: What we would need to have is from the edge of those walls, probably west towards the dwelling clear easement area to be able to be able to work on that 36" CMP if necessary. Unfortunately, the edge of the wall is immediately adjacent to the pipe so that would require that, if that pipe in the future ever had to be replaced or repaired or whatever the situation might be, not only would the wall have to be reconstructed but the guiderail would have to come out and chances are the curb, driveway, all of those things would be affected.

That is not something that the road department or the DPW wants to get involved with.

EICHENLAUB: And we understand that. I think at the last meeting we testified that if there was anything that fell within this easement, if the town had to go out and send the DPW or a private contractor go out to replace this pipe or work on it and it was necessary for the guiderail or a portion of it to be removed and the wall to be removed...it would be the responsibility of the homeowner to restore it.

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MANCUSO: So that would be homeowner's responsibility?

EICHENLAUB: If it ever comes to the fact that the town has to go out and work on this, yes, it would be because we are constructing on the easement. We understand that.

MANCUSO: There are permanent improvements being constructed on the easement.

EICHENLAUB: I understand that.

MANCUSO: Typically we don't approve.

EICHENLAUB: I understand that and I testified at the last meeting that if that were ever the case and you wanted to put a restriction on it to that effect, then that is what we are going to have to live with. We understand that it would be the homeowner's responsibility to restore that not the towns.

MANCUSO: That is something we would have to further investigate not only with the DPW but with Mr. Ten Hoeve as well.

TEN HOEVE: Well, I also, as you know Andy, had sent a copy of the easement to the borough attorney and I copied you on that letter because I only received that between the last meeting and this meeting, with a request that any comments concerning it or the size and scope of it...but I haven't had a response.

DEL VECCHIO: I spoke to Mr. Mancinelli today concerning that transmittal and he indicated there might be some concern either to the borough engineer or the DPW about the structural integrity of the pipe, which is borne out by the comments in Eve's latest memo.

We've already indicated to the extent of the structural issues that we will take care of them. It is to our incentive to do so because we've agreed to put back anything that needs to be disturbed and once we put the improvements in, we want what is under there to last a long time.

If we need to make improvements to that pipe we are going to do it. We said it before and will reiterate it this evening. In terms of actually constructing the driveway over that area, Mr. Mancinelli did not indicate that there was any issue.

MANCUSO: Along the same lines but regarding a different part of the stormwater system, it should be clearly stated who will be responsible for the catch basins and the culvert that is going under the driveway.

Is that intended to be a shared responsibility with both of the property owners or only with the property owner of proposed Lot 1.02, who is actually the party who has to travel over that section of the driveway.

EICHENLAUB: Again, the purpose for the two basins are for the extension of the driveway servicing Lot 1.02. One of those two catch basins does fall on Lot 1.03 and I think it would probably be the responsibility of the homeowner of Lot 1.02 to maintain those two basins, given the fact that we will have an access easement on the property for lot owner 1.03.

MANCUSO: That's exactly my concern because one of the basins was on Lot 1.02 and one of the basins was located on Lot 1.03 and actually the property line cuts that culvert pretty much in half.

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EICHENLAUB: That is correct. I think it should be the responsibility of 1.02. The responsibility for maintain and cleaning those should be the responsibility of the owner of Lot 1.02.

MANCUSO: The system seems to service 1.02 but falls to a greater extent on 1.03, when you look at the rip-rap pad and things like that. So that needs to be discussed and outlined clearly.

And going back to the landscaping on 1.03...you stated that all of the landscaping will be planted at grade and I'm sure when that is installed it will all work out very well but how will we ensure that as soon as the homeowner calls in their landscaper they won't install a nice mulch bed, which landscapers seem to do around all shrubs that are planted.

EICHENLAUB: Like any other property owner, if they do that and there is a problem that is being created, I'm sure the property owner of Lot 3 is going to inform that property owner of 1.03 that the situation exists and if it is not taken care of, they will report it to the town.

Again, we would just as soon take the trees out. The trees were placed there as a screening for our neighbors to the north. We thought we were doing them a favor by providing that screening. Once the house is built and we all know that once a house is built and the plantings are put in and they have a landscaper come in and if they put mulch in there and it keeps building up, and water does back up and is prevented from flowing in its natural course, I'm sure they will be made aware of it.

MANCUSO: But how will it be resolved other than coming back to the borough and trying to have the borough get involved in a neighbor dispute.

DEL VECCHIO: We can put a deed restriction in as we have done in other subdivisions in town, requiring the maintenance be the responsibility of the homeowner.

MANCUSO: Thank you very much.

The other items were addressed, so that's all I have.

TEN HOEVE: Just one question...there was a report from the water department, dated July 22nd and I think you have a copy of it...I think some of the issues were addressed but Mr. Hahn indicates he received the 7/19 plans and some things hadn't changed, even though there had been requests made.

(voice asked if it was the March 9th report)

TEN HOEVE: There was a March 9th report but there is also a July 22nd, which indicates it was distributed to the applicant. Do you have a copy of that?

EICHENLAUB: Yes.

TEN HOEVE: I assume most of it has been covered but I don't recall testimony with regard to all of the items.

EICHENLAUB: Is that the one with the water service sizes?

The only thing that is not shown on the plan that they are requesting is (Mr. Eichenlaub read out the request regarding the water main)...what they are requesting is that water main be extended along the proposed driveway servicing proposed Lot 1.02, which would be at the end of that line...we can do that, sure.

Again, it would have to be an easement granted for the extension of that water main....but all of the other items have been taken care of.

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BROUWER: Except the sewer...

EICHENLAUB: I can't use a 4" on an ejector. All of the other laterals are 4" but the pressure lines can't be 4"...it would never get the sewerage out. They have to be 2"...I thought he had indicated that he understood that.

TEN HOEVE: No.

EICHENLAUB: Those pressure lines can't be 4". They're smaller. I'll contact him.

MANCUSO: Well, you did state that would be the responsibility of the property owner.

EICHENLAUB: Which we understand but they can't be 4".

TEN HOEVE: There is also a request that there be some video camera testing concerning the connection...that's all going to be done?

EICHENLAUB: We have no problem with that.

TEN HOEVE: So basically you are saying that everything in here with the exception of that 4" main you'll do and you will speak to him about that.

EICHENLAUB: I will contact him directly about those smaller lines...the pressure lines.

BOGART: With regard to the conservation easements that were delineated...they were just based upon DEP's recommendations for those areas?

EICHENLAUB: No, they requested that. The metes and bounds for those conservation easements is the wetland itself...the delineation of the wetlands, so there are metes and bounds for each of these courses, which are shown on here. So they can be physically delineated by the surveyor.

BOGART: But they don't include any additional areas where the swale is and the drainage patterns, particularly on the northern property line and the western property line. There was extensive testimony that the swale along the northerly property drains properties to the north and that it is essential that it be maintained. I am surprised to see that wasn't included in the conservation easement.

EICHENLAUB: That was not requested.

BOGART: I understand that it was not requested but I'm surprised that you, as an engineer, didn't put it on or think that it was appropriate. And what about the western property owner? There was extensive testimony last month that the properties to the west drain through the back yards.

EICHENLAUB: No, they don't. They do not drain onto our property. They drain in a southerly direction and approximately 2/3 of the way down they then cut across our property line and into that drainage.

If you walk out there now, there is no water that comes from the properties to the west onto our property, it is physically impossible.

MANCUSO: The properties to the west, Lot 6 and Lot 7, are higher and Lot 3 flows onto...

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EICHENLAUB: They would drain onto our property if they regarded their back properties there. It is higher but if you go just beyond the property line, it actually drops down to the back of their property. It does not drain in an easterly direction.

I would be more than happy to meet you out there if you want to go out there and review it.

MANCUSO: Thank you.

BOGART: I just think given the off-site drainage issues that the additional areas should be considered for conservation easements, in addition to what the DEP has required.

With regard to the street extension that was created in Local Street...is that within a right-of-way or is it actually just on the property?

EICHENLAUB: It's on the property. Again, the purpose for that was just to create a turnaround and create an area where the snow can be plowed so it wasn't plowed directly in front of the driveway.

BOGART: But it technically is a street extension...

EICHENLAUB: Well, we didn't indicate it as such but if that's what the board desires...if you'd like to see the right-of-way extended or an easement created, I don't see that being a problem.

BOGART: I think that may be more appropriate since there is going to be public use of that area.

EICHENLAUB: Could it be done as an easement? Would the board accept it as an easement for that purpose?

BOGART: Going to have to ask the board.

MAGUIRE: It would just be the widened extension..

MANCUSO: It would be a permanent area....

BOGART: Do we need a right-of-way for this?

DEL VECCHIO: We haven't charged you for dumping snow there all these years so why start?

MANCUSO: There hasn't been someone's driveway there before.

TEN HOEVE: I don't think there is any reason why you couldn't cover it in that fashion...

BOGART: An easement? I just think something is needed.

My last question pertains to the alternate plans that were brought up by the board engineer. I was also surprised that we didn't see any alternatives particularly when we started talking at the end of the last hearing about potentially clustering the houses a little bit and maybe permitting a variance or two to be granted for setbacks if we were able to preserve that back area.

Again, tonight not only did we have testimony with regard to the environmental sensitive areas back there but now there is a number of issues with easements, maintenance and a lot of these issues have resulted in future homeowners having to deal with all the maintenance and reconstruction of these things....so it seems to me, from a planning

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perspective, that the best alternative would be to put that entire area in a conservation easement so you eliminate all these issues and cluster the development towards Rivervale Road and I am just wondering what your opinion is on that and why you didn't look at that and if you did, why the board didn't get a chance to see it.

EICHENLAUB: I didn't look at the clustering...but as I indicated it was done four years ago when we were brought aboard with a cul-de-sac at the end of Local and one coming off of Rivervale....if I am so directed, I can produce those for you and you can take a look at them.

DEL VECCHIO: If you would like us to go through the exercise with a clustering option, we would need some parameters to understand how to approach that design because you can obviously cluster two houses, the question is whether you can cluster four houses and where are the compromises, because it would be much different from the bulk table than this.

So if we had some direction as to how to deal with that concept, it could be something that I would recommend to my client that he consider but I am hesitant to recommend that he go and produce a concept without any type of parameters because we'll be producing concept #40B by the time we're done with it because I'm sure we all have different ideas and thoughts as to what the compromises might or should be.

BOGART: I guess that's for the board to decide but I think the planning goal would be to eliminate these impacts on future residents and the borough and preserve the conservation area. To me, it makes the most sense to do that cluster, whether it is two houses or four houses. Maybe the lot can't accommodate four houses.

MITAL: Thank you, Brigette. If there are no further questions from the board, I would like to ask the public if they have any questions of Mr. Eichenlaub.

Joan Cowell, 74 Local Street came forward stating she was the neighbor to the north.

COWELL: How far will that extension of Local Street be toward my property?

EICHENLAUB: Well, the turnaround area is right here...

COWELL: I couldn't see where you were pointing because all I saw was your back.

EICHENLAUB: The little turnaround area to the west side would be right in the line of the right-of-way line.

COWELL: My property is here...

EICHENLAUB: Yes, I know. Here is the end of Local Street, which is our property line and the extension would be approximately 15' into our property.

COWELL: On your property, not on ours.

EICHENLAUB: No, no.

COWELL: Ok, I couldn't see where you were pointing because I just saw your back.

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EICHENLAUB: No, it would all be on our property.

COWELL: The other thing is the elevation of the proposed driveways are quite high now, is that going to remain that way?

EICHENLAUB: For the most part it is just as it exists now at the end of Local Street.

COWELL: It is higher than Local Street.

EICHENLAUB: It's going to be graded down slightly but it will pitch down toward that.

COWELL: And what about to the west?

EICHENLAUB: The grades? The grades will still be lower...

COWELL: My property? Ok.

EICHENLAUB: Your property will still maintain that flow.

COWELL: Because I'm getting water now.

EICHENLAUB: From us?

COWELL: No, well, I don't know where it is coming from.

EICHENLAUB: We drop down below you.

COWELL: I think it is coming because the property to the north of me is higher and the water table is high there...period. I tried putting a swimming pool in, two scoops and they hit water. I'm concerned about water in this area.

Steve Manzione, 81 Lillian Street came forward.

MANZIONE: My property is to the south, I believe it is Lot 5. In your testimony you have a lot of burdens being put on the new property owners to maintain catch basins, culverts, sewerage ejection pumps...if those are not maintained, what does that do to your plan? How is that going to affect the surrounding properties if the new property owners don't maintain these items properly?

EICHENLAUB: They've got to be maintained. They are servicing those property owners. The ejector pumps are for the sanitary. If that goes on the fritz they are going to have to have it fixed because they won't be able to get their sanitary out of the house into the main.

The catch basins we are talking about are catch basins for the driveway itself. If those aren't maintained and they are covered with leaves or what have you, they are going to create a ponding effect on their driveway. It is not going to impact the surrounding property owners, it will impact that property owner because those are being installed specifically for those lots. Only for those lots.

MANZIONE: So this plan is not relying on the maintenance of those catch basins, culvert and French drains to mitigate the water flowing off the property onto other properties.

EICHENLAUB: No, it is water that is on our property.

MANZIONE: And these plans are for water on your property?

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EICHENLAUB: That's correct for all those items.

TEN HOEVE: Is that true with regard to the culvert and easement?

EICHENLAUB: The culvert itself simply allows the passage of water from one wetland area to...

TEN HOEVE: But if that were clogged up and not functioning.

EICHENLAUB: It would impact us, it wouldn't impact our neighbors.

TEN HOEVE: Not at all?

EICHENLAUB: No. It would turn into a giant lake before it impacted any of our adjacent neighbors. I'm sure the neighboring residents have seen the water flow through here but I don't know if any of the board members have. What we are talking about here is not a gushing river that goes through here, the pipe has been adequately sized to handle the flow coming down through this wetland area. It is oversized.

If that were to clog up, I'm sure the first thing that this property owner is going to want is to get out there and, if it were leaves or a branch that was blocking that, have it removed. This is not a wetland area with standing water in it, there are some small pockets, what we consider "bird baths" but there are no large areas of standing water in these wetlands.

MANZIONE: You also say that there will be less drainage after construction of the houses?

EICHENLAUB: Less runoff because we are collecting the runoff of the dwellings themselves in seepage pits.

MANZIONE: And if those pits aren't maintained, where is the runoff going? How are you controlling the direction of the runoff if it is not going into a planned...

EICHENLAUB: The seepage pits are sized so the leaders coming from the downspouts feed the seepage pits. If, for whatever reason the seepage pits were to get clogged, obviously they would have to be cleaned but before they got clogged if the system backed up, what it would do it back up into the leader...there's an overflow onto a splash guard and it would be just like any other resident in Park Ridge...the water would come out onto that splash guard and down over the lawn.

MANZIONE: And would still drain in the same direction?

EICHENLAUB: It would all drain as it does now, in a westerly direction.

MITAL: Anyone else from the public...if not...

DEL VECCHIO: Just one comment on the question...while the questions have been going on have you given any additional thought to the concern raised about the outrigger on that portion of the driveway?

EICHENLAUB: The design change....sure, I can cut that guide rail back...the wall in this area here is only basically zero at the north end and the maximum height is about a little over a foot at the point where we would cut the guide rail off...that guide rail can be reduced.

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DEL VECCHIO: And by reducing the guide rail, can the outrigger then be placed in that area?

EICHENLAUB: The outriggers would then be able to be extended.

DEL VECCHIO: Would you agree to make that change in the plans?

EICHENLAUB: I have no problem making that change.

DEL VECCHIO: Thank you.

MESIANO: Just a follow-up question to Brigette's question about alternate plans...in the alternate plans that you considered before this one, did you consider less than four houses?

EICHENLAUB: Because of the fact that we had a roadway going in, we were only able to get three houses. I wasn't able to get four conforming lots with the proper requirements for the yards and frontages and so forth. We were only able to get three with those other plans. None of them had four lots.

DEL VECCHIO: Could the houses on those concept plans be built today?

EICHENLAUB: No, as I indicted, the concept we had where we had a cul-de-sac and again, those were laid out before we had any of the wetlands...we knew we had some wetlands, we didn't know the extent of the wetlands and as I was directed, and I will admit, they were done prior to Mr. Prusha coming to me and retaining our services...

DEL VECCHIO: They were done on behalf of another client.

EICHENLAUB: Yes. We had a cul-de-sac at the end of Local with two lots, basically they way they are set up now but the houses would have been shifted further to the south and would have fallen within the wetlands. We would not have been able to get those houses in. The only one that would have been, that we would have no problem doing, is the lot up on Rivervale Road.

With the extension of the road off of Rivervale Road, again, the corner lot that would have been created to the east, we wouldn't have had a problem but the two lots that we were trying to create in the back of the property or west of the property, would have fully fallen within the wetland areas. They would not have been able to be built then.

MITAL: Thank you, Mr. Eichenlaub. At this point we will start testimony from the next witness.

DEL VECCHIO: I have Mr. Preiss, who is prepared to start his testimony, since we are only going to 9:30 he will not be able to finish this evening.

TEN HOEVE: Whatever you want.

DEL VECCHIO: I am going to start. I am going to take every second that I can get.

Richard M. Preiss,, Principal and Vice President of Phillips, Preiss, Frygal LLC, Hoboken, New Jersey.

TEN HOEVE: He has qualified here before as an expert, hasn't he?

PREISS: Yes. I have indeed been here.

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TEN HOEVE: Not necessary to qualify.

PREISS: Just for the record, I am a licensed planner in the State of New Jersey.

DEL VECCHIO: Mr. Preiss, you were retained by Mr. Prusha early on in the process?

PREISS: Yes.

DEL VECCHIO: You were retained prior to the application being filed with this board.

PREISS: Correct.

DEL VECCHIO: Do you recall being requested to attend a meeting in my office to review the proposed plans and concepts for the application before it was submitted?

PREISS: Yes.

DEL VECCHIO: And during the course of that meeting were you requested to provide input on whether or not you thought, from a planning perspective, other changes or offer suggestions on changes on how the plan might be bettered?

PREISS: Yes, I was asked to undertake that analysis. I did so and I was satisfied based on my review with questioning of both yourself and the client as to what the intent was and with regard to the approvability from a DEP point of view, I was satisfied, from a planning point of view, that I could support the grant of the variances.

DEL VECCHIO: Can you tell the board scope of your work and how you approached your planning assignment with this application?

PREISS: Essentially the purpose of my engagement was to address the appropriateness of the bulk variances that are required by the subdivision and those are the variances for lot width and for street frontage.

As part of that, I was involved early on in reviewing the plan and I also, obviously, visited the site. I looked at the subdivision plan, all of its iterations ... there was consultation between myself and the fellow professionals who testified here this evening. We looked at the 2009 Comprehensive Master Plan, we looked at the zoning requirements, subdivision requirements and we also did a fairly extensive analysis as will come out in later testimony, of the extent to which there is conformity in what I define as the "neighborhood" with respect to the lot area, lot width and lot depth. Those are the characteristics we felt have an impact on the character of the neighborhood.

I've also been, except for the last year, when I was unable to attend, I attended the hearings and I've seen the review letters provided by your professionals, in particular your engineer and your borough planner.

DEL VECCHIO: Can you provide the board, recognizing that we are into our fourth hearing and the board is fairly familiar with the site...but can you just provide a general overview of the property and the neighborhood in which it is?

PREISS: Yes. I think you've gotten so involved in the engineering aspects of it, I will just give an overview from the planner point of view of the relevant characteristics.

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We are talking about a single lot, Lot 1 of Block 2007, which if you look at it as a layperson or as a planner, has an unusual shape. The property is slightly over two acres in size. In terms of street frontage, you have 187' of frontage on Rivervale to the east and 50' of frontage on Local Street. Essentially that is the stub street that ends at the property line in the northwest corner.

There are two existing dwellings. One, which fronts on Rivervale and has a drive onto Rivervale and another home to its rear, presently has no frontage or direct vehicular access from the road. Essentially whoever lives in that house accesses through the same driveway and then walks to the back of that home. So it doesn't really have appropriate vehicular access.

The western portion of the lot has wetland areas and a 15' drainage easement.

In terms of the surrounding uses, essentially you are in the midst of a single-family neighborhood. You are at the boundary line between the R-15 district in which this property falls, everything to the north of our property line is in the R-10. Essentially they permit the same uses, primarily single-family detached dwellings. There are other uses, municipal buildings, churches etc, which are also permitted but really the primary use that is permitted is the single-family detached dwellings.

In terms of the area and bulk regulations, I think even though it is in the R-15 district, it is also appropriate, and later I will testify in terms of the impact on the character of the neighborhood according to the requirements of the R-15 zone, which are the more stringent requirements because you have larger lot size and larger frontage and setbacks but also the R-10 because the properties and the neighbors to the north side are in the R-10.

In the R-15 you have 15,000 sq ft lot minimum, R-10 is 10,000 sq ft. The lot width requirements in the R-15 in this zone that we are in is 100' and it's 85' in the R-10 zone.

In the R-15 zone the minimum street frontage is 75' and is the same in the R-10 zone.

The minimum lot depth in the R-15 is 150' and 120' in the R-10.

I could go through the setback and the other requirements but we are at a point now where we are dealing with the subdivision of the property not the placement of homes. In any case, the plot plan has indicated, that to the extent that this board granted the variances and the property was subdivided in this way, there is an ability to comply with all those requirements. So I don't need to go into detail with regard to all of that. And that would really be dependent upon plot plans when the homes come in for development.

There is also obviously capability to meet requirements for building coverage, impervious coverage and maximum FAR, particularly, and I will get into this..two of the lots are slightly over the minimum of 15,000 sq ft, those are the two lots that face Rivervale, which is Lot 1 and Lot 1.01 and then the other two lots are substantially oversized.

Essentially what the applicant is seeking to do in this particular case is subdivide it into four lots for the purpose of constructing four dwelling units, one of the homes would remain with the foundation to be reconstructed and it would be essentially three new houses.

On the basis of lot size alone, if you consider that the property is two acres, the minimum lot size in the zone, R-15, is 15,000 sq ft and you have the ability, if you meet all these other requirements, an ability to get as many as five lots. The applicant is seeking four lots.

In this particular situation, the four lots can be provided within the R-15 zone and would need a number of variances. Essentially the way that I've looked at this particular parcel, there is really two areas that you have to look at almost independently of one another. One is the lot frontage and lot width for the lots that face Rivervale Road and once you've looked at that, then there is the remainder of the property, which is subdivided into Lots 1.02 and 1.03 and there you have a different set of circumstances. And

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that's where the odd configuration of the parcel and the way that the access is provided to the property and the environmental constraints play into it.

But with respect to Lots 1 and 1.01, that's a very straight forward and I think, in my opinion, a fairly straight forward case and meets the classic requirements for a hardship variance to be granted.

Before I get into that, let me just indicate what the variances are...as I've indicated for Lots 1 and 1.01, they are both slightly over 15,000 sq ft and I would also just remind the board that the 15,000 sq ft minimum lot size is calculated after the easement for the road widening is taken into account. So to the extent that the road widening occurred, the remainder of the property within the subdivision would meet that minimum lot size requirement. Lot 1, which is on the right hand side where the existing house is would be fully conforming. It has 100' minimum lot width at the setback and 100' street frontage so there is no variances required for that. Lot 1.01 which is to its north has 87' frontage and 87' lot width and those are the two variances that are required there.

With respect to Lots 1.02 and 1.03...Lot 1.02 is 28,176 sq ft and Lot 1.03 is 27,815 sq ft, both of them nearly twice the minimum lot size. With respect to the lot width at the setback line, 1.02 is 79.2' and that is in contrast to the requirement of 100'...the lot width at the setback line for 1.03 is 96.9', so that is just slightly over 3' shy of the minimum requirement. With regard to street frontage, essentially what we are proposing is to have the driveway extend from the stub street rather than put a fully conforming cul-de-sac into the property, so the street frontage is essentially is 25' on Lot 1.02 and 25' on Lot 1.03. The subdivision line would essentially run right down the center of Local Street.

With regard to lot depth, all of the lots, 1, 1.01, 1.02 and 1.03 are all conforming. Lot 1 is at the minimum of 150' and Lot 1.01 because it is the narrow lot, has greater depth, 173' in order to comply with the minimum lot size requirement. Both Lots 1.02 and 1.03 are 287' in depth.

We need six variances, three for lot width at the setback line, 1.01, 1.02 and 1.03 and we also need street frontage also for the same lots. We don't meet those requirements.

In my opinion...I don't know if I should continue before I get into the "C" variance arguments...

MITAL: Unfortunately we have to stop hearing testimony so we can handle some other business matters tonight.

DEL VECCHIO: I have to figure out when we are coming back.

MITAL: I will look at Mrs. Beer and say "when are we coming back?"

BEER: August 25th.

DEL VECCHIO: Any way we can get on the first meeting in August, in lieu of the 25th only because I have a vacation at the end of the month and I will not be here at that time.

BEER: We have a major site plan coming in and we have to finish up with the planner.

MITAL: Yes, we unfortunately have a lot of business to take care of at our public work session, the first meeting in August.. I think we are booked for that night also.

DEL VECCHIO: I need to figure out how to move this. I have been asking to be put on the first meeting of each month since May and keep getting (?). I understand the board has a full agenda but at the same time....

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TEN HOEVE: We meet and have met at all of those first Wednesday meetings until 10:30pm at the earliest. It is not as if the board is meeting and not doing anything.

DEL VECCHIO: I understand that. I guess in this particular instance for the month of August...is it possible to swap the portion of the calendar that you would have dedicated to us on the 25th for the 11th so that the board can do whatever work it has to do on the 25th and just swap those pieces.

BEER: The problem with that, Mr. Del Vecchio, is it looks as if we will have a public hearing on the 25th of what we are discussing on the 11th. We can't schedule the other public hearing for the 11th because we haven't gone over the plans yet. The cut-off date is tomorrow.

DEL VECCHIO: I make two requests. One, this application began April 28th and it is a little disheartening to hear that time is being held for an application that hasn't come in yet. I am going to grant extensions so that is not an issue.

BEER: The cut-off date for all applications is the end of the month. The applicant knew that and have met with the board in conceptual. They are meeting their deadline in order to come in, it is not that we are putting you off. This is the board's format.

TEN HOEVE: Generally what the board does, as you know, is it doesn't conduct hearings on the first meeting of the month. It normally does its other business during that time. The only reason it is cutting short tonight...we'll be here all night anyway...is because it has some pressing matters that the timing does not permit it to do at its normal first meeting of the month session. We are just taking more time away from that which the board has to do.

DEL VECCHIO: Is it possible to have time reserved for both the first and second meetings in September for this application? I will make the request for October as well if we are still doing this in October. I want to make the request early on so I am on the record as having made the request. I know special meetings are difficult because board members have lives, I respect that and I understand that. Conversely I want to make the record clear that I am requesting that.

TEN HOEVE: The board will discuss that but will probably not have an answer for you tonight but after the August meeting I suspect it will.

DEL VECCHIO: What I would ask that we do then is to carry this to the August 25th meeting recognizing that depending on what the board's decision is at its work session on the 11th, we will either be moving the public hearing from the 25th to the first meeting in September or the second meeting in September but for continuity in chain of Notice, I suggest we carry it to the 25th with the understanding that sometime between the 11th and 25th the appropriate announcement and posting will be done.

TEN HOEVE: That makes sense. Just so the public understands what is being said here...I am going to make it clear to you right now. The next hearing on this application will be heard either the first meeting in September or the second meeting in September. We don't know which date it will be but it will be announced at the August 25th meeting. You certainly don't have to come to the meeting to find that out. You can just give Mrs. Beer a call and it will be on the web site. So if you just give her a call sometime around August 25th, she'll be able to tell you when it will be heard. It will definitely not be heard in August.

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DEL VECCHIO: Again for the record, the hearing is being carried to August 25th at 8:00pm without the need for further public notice.

TEN HOEVE: There will be an announcement that night that it will be carried.

BEER: When will you be back Mr. Del Vecchio?

DEL VECCHIO: After Labor Day.

BEER: So if I let your office know...

DEL VECCHIO: They will contact me.

One item that we left open that we're going to have this hiatus, I assume the borough engineer is going to be authorized to meet out on site with Mr. Eichenlaub to deal with the issues raised in his testimony and if there is a desire by the board professionals or the board to request that we reappear with an alternate concept plan based on clustering, I would like to know that this evening and at some point before we need to produce the plan, I would like to have some general parameters given Mr. Eichenlaub so that he can prepare the concept.

Again, if we have the hiatus and Mr. Eichenlaub is given instructions, we will prepare it and we are happy to do that and bring it back to you. We just need some direction.

TEN HOEVE: Ms. Mancuso or Ms. Bogart will get in touch with you.

DEL VECCHIO: Thank you.

MITAL: Ok, we'll go to L.C. Developers.

(Mr. Browne stepped down)

L.C. DEVELOPERS – Grand, No. Fifth & Lafayette R-20
Lots: 3 & 28 Block: 1001

BOGART: I reviewed the As-Built and I went out to the site. It is accurate, it shows exactly what is out there today. I think the board previously decided that because there were more plantings than were approved, that it would be Ok, we just needed an As-Built plan to reflect that.

The one thing I should note, is that the As-Built plan is only for a portion of the original site. The approved Landscape Plan should still apply to Lots 33 and 3 and the As-Built that was submitted would only apply to Lots 34 & 28.

TEN HOEVE: What does that mean in terms of bond release? Are there other plantings that were required in the other areas that are not yet put in that were bonded?

BOGART: Yes.

TEN HOEVE: That means that some can be released but not all?

BOGART: Yes.

TEN HOEVE: What amount would that be?

BOGART: I don't know.

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TEN HOEVE: Could you determine that? Yes? Ok.

(Mr. Browne returned)

CLOSED SESSION:

Motion made by Mr. Oppelt and seconded by Mr. Mesiano at 9:37pm to go into closed session to discuss litigation & settlement.

Carried unanimously.

ADJOURN:

There being no further business to come before the board a motion was made by Mr. Oppelt that the meeting be adjourned.

Second by Mr. Mesiano

Carried unanimously.

Respectfully Submitted,



Helyn N. Beer
Secretary

10:11pm