

Minutes of the Park Ridge Planning Board
Meeting of December 15, 2010 – 8:00pm

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, Mesiano, Mital, Oppelt, Schwamb,
Ms. Eisen, Councilman Maguire
Absent: Messrs. Saluzzi, Brouwer, O'Donoghue, Von Bradsky
Also Present: John Ten Hoeve, Jr., Esq., 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.

MAJOR SUBDIVISION:

MARK PRUSHA SUBDIVISION – 82 Rivervale Road

Lot: 1 Block: 2007

WHEREAS, MARK J. PRUSHA, (hereinafter referred to as “Applicant”), being the owner of premises known as 82 River Vale Road in the Borough of Park Ridge, County of Bergen and State of New Jersey, said property also known as Lot 1 of Block 2007 on the Tax Assessment Map for the Borough of Park Ridge, has applied to the PLANNING BOARD of the BOROUGH OF PARK RIDGE (hereinafter the “BOARD”), seeking Major Subdivision Approval in order to permit the subdivision of the parcel initially into four separate lots, with the application having been amended during the course of hearings to propose the subdivision of the parcel into three separate lots; and

WHEREAS, Applicant has also submitted a request for Soil Movement Permit pursuant to the provisions of the Soil Moving Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant is also seeking variances from the Zoning Ordinance of the Borough of Park Ridge to permit the proposed subdivision, specifically requiring the following variances with regard to the amended submission:

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- a) a lot width variance to permit the creation of one lot (proposed lot 1.01) fronting on Rivervale Road having a lot width at the setback of 87 feet, less than the required 100 feet at the setback.
- b) a street frontage variance to permit the creation of one lot (proposed lot 1.02) having a street frontage of 50 feet rather than the required 100 feet; and

WHEREAS, Applicant has submitted various sketches and renderings including a Subdivision Plan entitled, "Prusha Major Subdivision" prepared by R.L. Engineering, Inc., a licensed engineering firm of the State of New Jersey, bearing a last revision date of November 1, 2011; and

WHEREAS, hearings were held before the PARK RIDGE PLANNING BOARD duly convened on various dates commencing on April 28, 2010 with a final hearing date of November 17, 2010 upon due notice as required by law; and

WHEREAS, the BOARD has carefully considered the application and Evidence presented to the BOARD both in support of the application and by residents appearing in connection with the application.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact:

1. Applicant is the owner of premises known as Lot 1 in Block 2007 as Identified on the Tax Map of the Borough of Park Ridge. The property fronts on Rivervale Road (187 feet of frontage) and is commonly known as 82 Rivervale Road, Park Ridge, New Jersey. The existing lot is an approximately two acre site currently improved with two single family dwelling on the undivided lot, a nonconforming condition by virtue of the fact that two principal structures have been constructed on one lot.
2. The Applicant initially submitted a proposal calling for the subdivision of the parcel into four separate lots. The initial subdivision proposal involved the creation of two lots, with the home fronting on Rivervale Road to be demolished and with the existing rear dwelling to be expanded, and the construction of three new dwellings on the newly created lots. Access to two of the new lots would have been by way of a shared driveway abutting the end of Local Street. Much of the testimony presented during the many months of hearings before the BOARD focused on the proposed four lot subdivision. Prior to the conclusion of all hearings, however, the Applicant submitted an amended plan requesting the subdivision of the parcel into three lots. The modified application significantly reduced the nature and extent of the variances initially required for the four lot subdivision.
3. The parcel is subject to significant wetlands constraints. Applicant provided testimony confirming that an application had been submitted to the New Jersey Department of Environmental Protection and that a Letter of Interpretation had been issued by the DEP for the project, and that an application was pending before the DEP for approval of the proposed subdivision plan. The Applicant presented expert testimony from John Aubin, a licensed engineer who was also a wetlands expert, who described the isolated wetland areas on the site, the intermediate resource wetland areas, the wetlands transition areas on the site and the intermediate resource value wetlands on the site. Mr. Aubin also discussed the need for a general wetlands permit to allow the construction of a proposed driveway that would cross a wetlands transition area.

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4. Mr. Aubin testified that the Applicant had requested several General Permits from the DEP. Applicant sought a General Permit #6 to allow for the creation of a patio and yard area in isolated wetland areas. Applicant also sought a General Permit #8 to permit the expansion of an existing rear dwelling beyond its existing footprint. Applicant also sought a General Permit #11 to permit the collection and discharge of stormwater into a culvert located beneath the proposed driveway. Finally, Applicant sought a transition area waiver, a special activity waiver, for redevelopment of the existing rear dwelling.

5. Brigitte Bogart, the Borough Planner, questioned Mr. Aubin as to the propriety of creating conservation easements to preserve impacted areas on the site and prevent development in these areas. Mr. Aubin, and the Applicant's counsel, agreed that conservation easements would be appropriate and consented to the creation of said easements subject to an agreement as to the scope of the areas to be covered by such easements.

6. The Applicant also presented the testimony of Richard Eichenlaub of R.L. Engineering. Mr. Eichenlaub described the site and the proposed subdivision, specifically focusing on the drainage easement that existed on the site. He noted that a 36-inch pipe runs through the drainage easement emptying onto an open swale area of approximately 80 feet. Mr. Eichenlaub confirmed that the proposed drainage system for the project complied with both the quality and quantity controls required pursuant to Residential Site Improvement Standards. He stated that all trees to remain on the site would be protected during construction.

7. Mr. Eichenlaub also testified that he had reviewed letters from Borough agencies, including the Borough Fire Department and the Borough Department of Public Works. He stated that the Applicant would relocate the proposed fire hydrant to the north end of Local Street at its intersection with Morningside Drive. He further confirmed that the Applicant would comply with the request provided in the report provided by William Hahn, Supervisor of the Department of Public Works.

8. Mr. Eichenlaub further testified as to the proposed soil movement on the site. He indicated that the proposed development would essentially balance the required cut and fill and that the plan would probably require the importation of no more than one truck load of fill. He described the proposed installation of grass pavers along the driveway area to allow access by emergency service vehicles. Mr. Eichenlaub also confirmed that any easement or modification of the existing drainage easement for the driveway area would clearly state that it would be the obligation of the property owner to repair and replace any improvements on the easement in the event the Borough was required to complete any work in the easement area.

9. The Applicant's Engineer further testified with regard to several benefits that would result from the proposed plan. Impervious coverage on the site will be reduced. Seepage pits will be constructed to accommodate water from the proposed dwellings. As discussed below, substantial improvements will be made to the existing drainage on the property.

10. Mr. Aubin testified at a second hearing on June 23, 2010. At that time he confirmed that the DEP had requested that a conservation easement be provided covering defined wetlands areas. He indicated that the easement would prevent any future use of the restricted areas for structures, pools, playgrounds or anything else. The easement would be a perpetual easement to the State of New Jersey restricting the use of the designated areas for anything other than grass. As noted by Mr. Eichenlaub

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at a subsequent hearing, the Applicant's plans were then revised to include the location of the required DEP easement.

11. At the July 28, 2010 meeting questions were raised with regard to respective obligations to maintain proposed catch basins and the culvert to be constructed in the easement area. Mr. Eichenlaub agreed that the property owner on which the easement will be located should be responsible for the maintenance and cleaning of the drainage structures. Mr. Eichenlaub further agreed to comply with the July 22, 2010 requests of the Borough Public Works Department with the exception of the diameter of lines for the sewer ejector system. Mr. Eichenlaub specifically agreed to video camera testing of sewer connections and all other requests as set forth in the July 22, 2010 letter.

12. Applicant also presented the testimony of Richard Preiss, licensed Planner of the State of New Jersey. Mr. Preiss testified as to the perceived justifications for the grant of the variances required in order to approve the proposed subdivision. Mr. Preiss stated that the requested (c) variances could be justified either pursuant to traditional hardship, or (c)(1), standards or under the more recent (c)(2) provisions. He noted that the subject parcel was substantially oversized and could be subdivided into several smaller lots, each of which would more than exceed the minimum lot area requirements. He opined that the unique shape of the lot, coupled with the environmental constraints that exist on the property, operated to create hardships for the Applicant. He reminded the BOARD of the several benefits that would result from the proposed subdivision, including drainage, landscaping and the removal of a nonconforming condition (two principle structures on one lot). Finally, Mr. Preiss indicated that a decision to grant the requested variances would have no negative impact on the neighborhood, the zone scheme or plan of the borough and would not negatively impact the Master Plan of the Borough.

13. Several BOARD members and professionals raised concerns during the hearings with regard to the individuals responsible for the maintenance of the proposed easements and the terms of proposed conservation easements. The Applicant agreed to provide an easement that would place complete maintenance and cleaning responsibility on the owner of the property subject to the drainage easement and that would require the owner of said property to replace any improvements (including driveway improvements) on the easement.

14. Prior to the final hearing held by the BOARD on November 17, 2010, the Applicant submitted a revised subdivision plan reducing the proposed subdivision from four lots to three lots. Said plan eliminated all variances with the exception of the lot width variance for the 87 foot lot fronting on River Vale Road and the lot frontage variance required for a newly configured lot fronting on Local Street. The Applicant eliminated the shared driveway that would service two newly created lots. The Applicant relocated the existing drainage easement so that most of the proposed new driveway would not be located over the easement. The Applicant proposed the replacement of the existing corrugated drainage pipe beneath the driveway with reinforced 36-inch diameter concrete pipe. The Applicant moved the utilities outside of the proposed concrete pipe to eliminate potential conflicts. The modified proposal also eliminated the need for the previously designed guiderail. The proposal resulted in the removal of fewer on-site trees.

15. The BOARD finds and concludes that the modified subdivision proposal to create three rather than four lots results in a substantial improvement over the initial pln. The BOARD further finds that the variances requested pursuant to the modified proposal are justified

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pursuant to the provisions of the Municipal Land Use Law. The modified plan requires but two variances, a lot frontage variance for the lot abutting Local Street and a lot width variance for the newly created 87 foot lot fronting on River Vale Road. The BOARD finds that the variances are justified under the flexible (c) provisions of the Municipal Land Use Law in that the proposed subdivision will promote several goals and objectives of the Municipal Land Use Law and that the benefits from the proposed subdivision outweigh any negative impact flowing from a decision to grant the variances.

16. Specifically, the subdivision will create lots having lot areas that are more in conformity with the neighborhood and the requirements of the Zoning district. The subdivision will provide substantial drainage benefits for the newly created lots and for surrounding lots in the neighborhood. Significantly, the subdivision will eliminate an existing, nonconforming condition in that there are currently two principal structures on the undivided lot, with one of the homes having no frontage on any street. The subdivision will replace this condition with three homes, on three lots, each fronting on a borough street.

17. The BOARD finds that a decision to grant the requested variances will not have a negative impact on the neighborhood, the zoning ordinance, or the zone plan or scheme of the Borough. The newly created lots fronting on River Vale Road will have lot areas in excess of most lots in the neighborhood and lot frontages that are not substantially different from others in the neighborhood. The newly created lot fronting on Local Street, while not having the required street frontage, will have a lot width greater than many homes in the neighborhood. The proposed subdivision will also provide drainage, landscaping and street improvements that will benefit the entire neighborhood. Finally, the proposal will safeguard and preserve the environmentally sensitive conditions existing on the property.

18. The BOARD'S findings, however, are based upon the Applicant's compliance with the conditions contained hereinbelow. The BOARD concludes that the justifications for the requested variances are based in large part on the Applicant's willingness to comply with the conditions included below. The BOARD specifically states that it would not have granted the required variances for the proposed lots absent these specific representations and conditions and that it would not have concluded that the Applicant had satisfied both the positive and negative criteria required for the grant of the variances absent these conditions.

19. The BOARD thus concludes that the negative criteria necessary for a grant of the requested variances can only be satisfied if conditions are imposed compelling both the Applicant and future property owners to comply with the representations made during the hearings. The BOARD specifically states that its finding with regard to the satisfaction of the negative criteria is critically dependent upon the following:

- a) The creation of a conservation easement guaranteeing that no improvements will be constructed in wetland areas, with the extent of the easement area and the restrictions created by the easement subject to the review and approval of the DEP, Board Engineer and Board Planner. Said easement shall, at a minimum, provide that the lands to the west of drainage easement remain in their current natural state.
- b) The creation of a new drainage easement between the property owner and the Borough of Park Ridge to relocate the existing drainage easement as set forth on the revised plan. Said easement shall include provisions requiring any future owner of the

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property subject to the easement to be responsible for maintaining and cleaning the drainage structures on the easement and for the cost of repairing or replacing any improvements located on the easement in the event work is required within the easement. Said easement shall also require the property owner to be responsible for the restoration of the curbed drive should the Borough require access to maintain or replace the culvert on the easement.

- c) The video camera inspection of the existing corrugated metal pipe culvert that is to remain before and after any construction to insure that the culvert is not in need of repair and to insure that no damage is done during construction.
- d) The Applicant shall consult with the Fire Department with respect to the placement of the new fire hydrant at the corner of Local Street and Morningside Avenue.
- e) The Applicant shall relocate the playground area to an area not encumbered by an isolated wetlands area.

20. Applicant also requested a soil moving permit and provided testimony as to the amount of soil to be moved from the site, providing calculations to the Borough Engineer for review. The BOARD finds that the issuance if a permit is justified subject to the Applicant's compliance with the specific soil moving conditions provided hereinbelow.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A.40:55d-70, that the BOARD hereby grants the Applicant's requested preliminary major subdivision approval; Applicant's request for the variances noted above; and a soil movement permit subject to the following express conditions:

A. The Applicant shall be required to execute a Developer's Agreement in a form acceptable to the Planning Board and the Mayor and Council of the Borough of Park Ridge, said Agreement to be prepared by the Board's Attorney at Applicant's cost and expense.

B. The Applicant shall be required to furnish Performance Bonds, Maintenance guarantees and cash deposits in accordance with the Subdivision and Site Plan Review Ordinance of the Borough of Park Ridge in amounts to be determined in accordance therewith and upon consultation with the Board Engineer.

C. All improvements to be completed in connection herewith shall be in accordance with all development application proceedings, final subdivision documents and evidence submitted to the Planning Board, and in compliance with the requirements of all Borough Ordinances and other requirements as may be imposed by the Borough Engineer. The BOARD specifically finds that all grading must be in precise conformity with the plans approved by the Borough Engineer.

D. Applicant shall be required to pay all professional fees, escrows and bonds in a timely manner. If any escrow shortage exists with regard to prior application proceedings, said escrow deficiency shall be satisfied prior to the adoption of the within Resolution.

E. Applicant shall complete all improvements in accordance with the Aforementioned development application proceedings as well as in compliance with all other applicable borough ordinances.

F. The Applicant shall pay all Development Fees as required by the Development Fee Ordinance of the Borough.

G. No Subdivision deeds nor Subdivision Map shall be signed by the BOARD, nor shall any Developer's Agreement be executed, nor shall any building permits be issued until the Applicant complies with the following specific conditions and requirements:

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- 1) The creation of a conservation easement guaranteeing that no improvements will be constructed in wetland areas, with the extent of the easement area and the restrictions created by the easement subject to the review and approval of the DEP, Board Engineer and Board Planner. Said easement shall, at a minimum, provide that the lands to the west of drainage easement remain in their current natural state.
- 2) The creation of a new drainage easement between the property owner and the Borough of Park Ridge to relocate the existing drainage easement as set forth on the revised plan. Said easement shall include provisions requiring any future owner of the property subject to the easement to be responsible for maintaining and cleaning the drainage structures on the easement and for the cost of repairing or replacing any improvements located on the easement in the event work is required within the easement. Said easement shall also require the property owner to be responsible for the restoration of the curbed derive should the Borough require access to maintain or replace the culvert on the easement.
- 3) The video camera inspection of the existing corrugated metal pipe culvert that is to remain before and after any construction to insure that the culvert is not in need of repair and to insure that no damage is done during construction.
- 4) The Applicant shall consult with the Fire Department with respect to the placement of the new fire hydrant at the corner of Local Street and Morningside Avenue.
- 5) The Applicant shall relocate the playground area to an area not encumbered by an isolated wetlands area.
- 6) The Applicant shall intersperse the buffer plantings with varying species of plantings as recommended by Borough Planner.

H. All utilities shall be installed at the Applicant's expense, whether installed by the Applicant or by Park Ridge Utility Agencies. Applicant shall comply with all requirements set forth in the report by the Park Ridge Utility Department.

I. That the Applicant secure all necessary approvals, if not previously secured, including but not limited to the New Jersey Department of Environmental Protection, the County of Bergen, the Bergen County Planning Board Approval, the Bergen County Soil Conservation Board Approval and any other required governmental approvals. In the event any agency requires modifications to the Site Plan approved herein, Applicant shall be required to return to the BOARD for the approval of such modifications.

J. Applicant shall pay any fees that may be required by the "In Lieu Of Sidewalks" Ordinance of the Borough of Park Ridge.

K. Applicants receipt of a soil movement permit is specifically subject to the following conditions:

1. The Applicant shall not move any soil to or from the site without first submitting to the Borough Engineer and to the Borough Police Chief a written plan detailing the manner in which soil will be removed from the site, the destination of all soil to be removed from the site, the dates of removal, and the routes to be taken by vehicles removing the soil. No soil shall be moved to or from the site unless and until the Applicant receives approval from the Borough Engineer and

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- the Police Chief for the Borough of Park Ridge with respect to said plan.
2. Applicant shall also comply with any and all conditions or requirements imposed by the Borough Engineer with respect to erosion control, truck cleaning, or any other soil movement requirement he may deem necessary. These requirements may include specific conditions with regard to the maintenance of the tracking pad on the site and with respect to the cleaning of Borough Streets, if required by the Borough Engineer.
 3. Applicant also shall only move soil to or from the site in trucks filled to such weight as is deemed appropriate after consultation with the Borough Engineer. If the Borough Engineer determines that delivery vehicles should not be filled to capacity so as to minimize the possibility of damage to Borough Streets, Applicant shall comply with said requests. In the event Applicant causes any damage to the street, Applicant shall provide repairs to same or compensate the Borough for the costs of any repairs.
 4. Applicant shall not move more soil to or from the site than described during soil movement hearings and as set forth in reports issued to the Borough Engineer. In the event Applicant requires the movement of additional soil, Applicant shall return to the BOARD for subsequent hearings.
 5. Applicant shall specifically comply with all soil movement and soil control requirements set forth on the plans reviewed by the Borough Engineer and described at the aforementioned hearing.

Motion was made by Councilman Maguire to approve the resolution as prepared.

Seconded by Mr. Oppelt.

AYES: Messrs. Browne, Mesiano, Mital, Oppelt, Councilman Maguire, Ms. Eisen.

ABSTAIN: Mr. Schwamb

PUBLIC HEARING:

RIDGEMONT SHOPPING CENTER- CHASE BANK

166-169 Kinderkamack Road

Lots: 1,2,3 Block: 1406

TEN HOEVE: Before we begin there is a something I would like to mark into evidence...a certification from board member David Mesiano, indicating that he read the transcript of the board meeting held on December 1, 2010 and is dated with today's date, 12/15/2010.

Joseph Basralian, Esq., Winne Banta, Hackensack, NJ came forward representing the applicant.

BASRALIAN: This is a continuation hearing. At the last hearing we had discussed with our engineer and with the board certain modifications. We have an exhibit that we submitted to the board and is marked at Exhibit A-11. I would like to recall Andy Missey, our engineer, who is still under Oath to review the plan with you.

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Mr. Missey, you submitted a revised plan dated 12/6/2010, which has been marked as Exhibit A-11. Would you please review the modifications to the board?

MISSEY: In a nutshell, what I have highlighted on A-11 is what we devised pursuant to the December 1st meeting.

We have retained the in-only nature of the southerly driveway and that will remain in-only as it presently is. We have conferred with the County and the County will permit left-in to this driveway. That's left from Kinderkamack southbound into this driveway but we will not restripe Kinderkamack as we had previously indicated on our plans.

We have omitted Sheet 1-A, which showed that restriping from the plan.

BASRALIAN: And that was because the County did not want the restriping, is that correct?

MISSEY: That's correct.

We will install the signage to insure that this in-only driveway is properly identified for people within the site and all the vehicular movement coming into the driveway, that is indicated on the plan.

We have angled the parking spaces immediately to the north side of the branch bank in order to enforce that one-way motion in. Those spaces are angled at the present time. We have angled them at a 75 degree angle as opposed to the 60 degree angle that was suggested at the last meeting because if we angle the spaces at 60 degree orientation, we would lose an additional space in that location.

Immediately to the north of this in-only drive aisle we have reversed the direction of the traffic flow and the parking (?) in order to create the ability to circulate back towards the front of the branch bank. Had we retained the present movement which is to the east, we would have had a situation where a vehicle that was intending to go to the branch bank site using the two-way aisle in front of Staples and the A&P, would upon passing this location, would find that they could only go around the building around to the east and to the north and then make their way to the branch bank. And that was not a desirable movement and could possibly lead to conflict.

We have added pylons and directional signage to make it clear that this aisle will now be a way to additional parking and to access the front of the branch bank.

Across from this drive-thru exit we have created a cut-through to enable a person that used the drive-thru or the person that did their banking inside of the branch and then were departing the site from the southerly entrance to the site an opportunity, if they forgot to do something or needed to go collect additional paperwork, to recirculate more easily to the back of the front of the bank's front door.

Our plan now shows seven future spaces to the east of this drive-thru, which will remain "green" at this time. We have more than ample parking at this site at this time with over 350 spaces and it is best for the overall circulation in this area that those spaces be held in reserve for the future.

Those are in brief form but in fairly thorough form what we've done since we were here with the exhibit in December and this is, I think, an improvement over the exhibit that we presented to you at that time.

BASRALIAN: In addition, did you have an opportunity to review the Borough of Park Ridge Water Department letter of December 9, 2010, regarding the comments by the Water Department and have some of those already been indicated on the plan and is there anything on there that cannot be met? For example, the sewer line must meet the Borough Code, which obviously is the case...the existing sewer line must be

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disconnected...and a number of other items. Is there anything in there that cannot be designed or has already been designed?

MISSEY: No, all those items can be complied with and we, in fact, added a note to the lower right hand corner of Sheet 2 of 5, to indicate exactly what the Water Department wants us to do when we put the new building up.

BASRALIAN: Thank you.

Mr. Chairman, I do not have any further questions of Mr. Missey at this point.

MITAL: Does anyone on the board have any questions?

MAGUIRE: A question on that cut through. Is the purpose of the cut through is to allow someone who has exited the drive-thru to circle back to the bank, in case they had a problem at the drive-thru so they can go back into the bank?

MISSEY: Yes, it gives them that opportunity with a little bit simpler movement than going to the end of the in-only aisle and then make the circle around doing a 180 degree turn. This permits them to do only a 90degree turn.

MAGUIRE: I guess you eliminated two parking spots by doing that?

MISSEY: Yes, two. We created islands at that end to define that movement.

MITAL: Anybody else from the board? Any of the professionals?

MANCUSO: I did prepare a letter, dated December 13, reviewing the latest submission and essentially all of the items have been addressed.

BOGERT: Two questions and comments.

The Road Department actually had a comment with regard to the Sycamore trees out front and said they wanted something else because it was an issue with the wires. Our office has come up with a list of several different options that you can provide and I just want to make sure that the applicant will revise the plan to replace those two trees with a different type of tree.

MISSEY: Certainly.

BOGERT: My other question and comment pertains to the crosswalks out front. I just noticed that there is an opportunity to either extend the sidewalk from Kinderkamack Road to where the handicapped spaces are to provide pedestrian access to the front door, I was wondering if you were either willing to do that and/or provide a crosswalk right where you are going to make your right-hand turn into the bank parking lot area and connect those two sidewalks?

MISSEY: We would rather make that at the sidewalk rather than...

BOGERT: That's fine. I just wanted a way for the pedestrians to get from Kinderkamack Road to the front door without going over the landscaping.

MISSEY: Yes, we will do that.

MAGUIRE: One final question. The agreement was not to restripe Kinderkamack Road so you are not touching the double yellow line which will remain a solid yellow line along Kinderkamack Road?

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MISSEY: That's correct.

MITAL: No further questions?

BASRALIAN: Thank you. I would like to call Glen Philips, PE. who is still under Oath.

At the last meeting, the board requested that you provide various samples of the building materials to be utilized and also asked you to review the possibility of changing some of the exterior Efis board for an alternative and to meet with a representative of your office on site with Ms. Bogart regarding the roofline and what could be done.

Would you please review for the board the materials that were provided and the changes you made to the exterior of the building relative to Efis and brick utilization.

PHILIPS: Since we last met last we did several things. One is we brought into the Planning Board Secretary a copy of our materials. I hope you have all had a chance to review it. We have it here where everybody can see it.

BASRALIAN: This should be marked Exhibit A-12, which is proposed elevations, dated October 1, 2010.

PHILIPS: This is similar to the elevations that we showed to the board at our last meeting except that it has actual samples attached. We have the asphalt roof shingles and then we have the stone and brick materials.

It also shows the Efis, which was a subject of discussion on-site between one of my project managers with my group and Brigette Bogart, Municipal Planner and a Chase representative.

One of the things we took away from the meeting was that the materials were consistent and complimentary to most of the materials that you would find in the surrounding areas including the shopping center but the Efis didn't really work for what the community is trying to achieve in this area. So we did make some changes to remove the Efis and add some more brick and some aluminum coping bands and I have another board that shows that.

I am going to call this A-13, December 15, 2010, Elevations.

This design is a result of the on-site meeting that I talked about and back and forth Emails with Ms. Bogart up until today. You can see where we previously had the stone and the Efis; we have now added more brick. The façade behind the Chase signs, the top of the roof line is now all brick, where it was previously Efis.

One of the other objectives discussed at the meeting and on-site as well as at the last board meeting was the roofline. We had a straight, clean roofline along both sides and the rear with the architectural element being the tower in the front of the building. The significance of the tower is that it is in the front of the building and is the entrance; it signifies the area over the glass doors and the dominant part of the building.

We tried to achieve a situation where we could add additional towers to the site and in my opinion, they didn't really work well because the building is just not massive enough and large enough to accommodate three towers. But it still left us with the problem of how do we break up the roofline.

The result of those challenges and some roundtable discussions within my office was what we call the "mock" tower on the northeast elevation. When we were on-site we looked at the building. The dominant sides of the building on the obviously the front, the west elevation and also the north elevation, which faces the rest of the shopping center. The rear of the building, the east elevation and the south elevation just aren't as visible.

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So we have a complimentary element, which is the same shingle and has the same roofline that angles but it is cut off in a mansard style, so that we can center it over the Chase sign and over the main three sections of window panels in such a way that it breaks up the building and I think that it looks dimensionally correct, it doesn't overpower the building and the "mock" tower compliments the main tower.

BASRALIAN: Up at the top they can see what you are talking about, it is the north elevation what you would see from the parking lot

PHILIPS: That's correct. This is what I would submit is the elevation that was most in need of change because it was very visible and it didn't have many architectural elements.

The rear of the building has the canopy but that's a feature of this building, although very critical to the operation of the bank, is not something we want to put an architectural element over and have stand out. It's actually supposed to be faded away. It's for cars use and is not an architectural element that you want to highlight.

When we were at the north elevation, we also looked at putting the same type of "mock" tower and mansard parapet on the south elevation. It wasn't really a feature to put there and it wouldn't work well to put it over a Chase sign, so we tried to center it and I did center it over the four window panels that you see on the south elevation. I think that it works but when you are on site that it is pretty obvious to all of us that this wouldn't be seen. We could put it there but it wouldn't be an architectural element that would ever be seen because it is blocked by the bank to the immediate south of our bank. So, although it wouldn't be offense to anybody, it just wouldn't be visible.

We looked at the west elevation, which has the tower and both of these would be visible but the building is not totally symmetrical and it would make sense to only have it on the north elevation but we are open to having it on both elevations if somebody thought it added balance. I don't think it is a necessary element but I put it on just to say it was one of the features.

As you look at the front of the building, this is the west elevation, to the left would be the north elevation and that "mock" tower would be visible. If you are looking directly at the building both of these elements would be visible but the "mock" tower on the south just wouldn't be visible from any place else.

BASRALIAN: In your opinion this addresses the issue of the flat roof line and breaks it up in a way that is architecturally sound and makes sense with the size and mass of the building?

PHILIPS: It does make sense and it works well particularly on the west and north elevation. I think that it works well as presented and I think that when you look at the south elevation that element wouldn't be necessary, It wouldn't be seen. An architect would look at it and wonder why it was put there. It wouldn't be offensive it would just not be seen.

BASRALIAN: Also at the request of the board you submitted photographs of the proposed pylon sign...I note that you have it on Exhibit A-13. Would you please just go through it even though you submitted pictures of it.

PHILIPS: This is the sign as proposed. It is a pylon sign with the Chase letters and the Chase logo which will illuminate and is a 57 sq ft sign but the signage is actually less than 20 sq ft and there are photos of any Chase facility that actually shows the same size sign.

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BASRALIAN: Just indicate so you have it on the record that you have a profile to the right that shows that the pylon sign is rather narrow and is a new type of sign that is contemplated for this type of use and others as it become more prevalent than the standard pylon sign that you see so often elsewhere.

PHILIPS: Yes, the standard sign would have two poles or perhaps one pole with a logo up top. That's the standard sign that you are used to seeing on the roadway. What we have done here, is we have used less area for the actual Chase letters and we have used a more slender, it is only one foot, the narrow dimension...the side elevation is one foot, one/quarter inches.

The front is 3'4" and is 17' high..we've measure the entire signage for the calculations and in fact you have a sign that is less than 20 sq ft out there. It works well with this design and I know it is not consistent with some signs that we are used to seeing but it is actually an efficient way of getting the message out, which is just the word Chase and the logo without standing out too much from the roadway view.

BASRALIAN: Mr. Chairman, I have no further questions for this witness.

MITAL: Ok, we will go to board members.

MAGUIRE: Let's start with the sign. The picture does help. It looks like in this location the sign is at least 30' in off the roadway. Is that accurate?

PHILIPS: You know, I did not measure that but that would be a fair estimate. I think it might be a little less than that but that would be close.

MAGUIRE: And on this location it is about 10' off the roadway?

PHILIPS: Yes, 10', that's correct. Wait, I checked the site plan, it is 15'.

MAGUIRE: And that's not going to cause any visibility issues coming in or out of that parking lot?

PHILIPS: No. I think it will work well. It will be visible but it will not be a dominant and overpowering sight. It will get the message across to the motoring public that that's where the Chase Bank entrance is.

MAGUIRE: Thank you.

In terms of the brick, maybe you could elaborate on some of the discussion. I know our planner will elaborate but the brick along the top portion that you changed from the tan colored material, what was the sense there? That the surrounding building was brick and you wanted to tie in with the brick, is that the discussion you had?

PHILIPS: Well, we were discussing that and I think the reaction I got from the Board and Ms. Bogart, was that Efis, which is a commonly used material along with brick in buildings like this, was not consistent with what the community wanted to achieve in this area.

BOGART: There are a number of problems with Efis, the maintenance and our engineer can comment on that. We recommended more natural materials such as brick or stone.

My first thought when I looked at the elevations was that a two-toned building was a little more attractive and was wondering if the applicant could do a different color brick at the top to mimic the tan that was originally proposed?

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PHILIPS: I'm sure that we can work something out with the colors and sticking with the natural brick.

BOGART: But I think from a maintenance...

MAGUIRE: I'm glad you said that because the two-tone looks sharper than the red brick.

BOGART: It does and it was more about the materials.

MAGUIRE: I'm sorry, what is Efis? It is a stucco or is it a natural stone?

PHILIPS: Efis stands for a combination of materials used...

BOGART: It is a whole walling system.

OPPELT: A Styrofoam type?

BOGART: Yes.

MAGUIRE: Ok, I know what it is. Thank you.

PHILIPS: It's a material, a combination of materials called Efis, but that's what it means. It has an insulating property to it. It's an exterior insulating wall.

BASRALIAN: Let me see if I understand what you are suggesting...you want us to find a color brick that is closest to what was originally proposed using Efis and get the contrast but still using brick. Is that something you can achieve?

PHILIPS: Yes. It would achieve the look that we initially had proposed here and we have had success with Efis but we understand the concerns and have reacted to the concerns and will try to stick with the same color scheme with the natural brick.

BASRALIAN: As close as possible to what you are proposing, we will find a color brick.

MAGUIRE: Thank you; we appreciate your indulging us here.
So let's take about the "mock" tower...

PHILIPS: What we call the tower, which is the actual tower in the front of the building and then what we are just loosely calling the "mock" tower or a parapet mansard...it's a smaller architectural element that would...the original attempt was to duplicate the tower and make another one on the side because it looked great from the front but was missing something on the side but that didn't work, from my opinion, from an architectural point. It didn't work, it didn't balance so what we did is we put a smaller element that complimented it.

It is shown on A-13...the tower is on the dominant part of the building, the face of the building and is an element that brings the attention of the customer and the people to the front of the building, which is the main entrance, which is a common architectural feature. If you have a tower, it is supposed to be over something that signifies something.

On the side where we have a little bump out and some other architectural elements with the glass and the Chase sign is just not as dominant of a feature. It doesn't have as much glass, it is not an entrance, it's not a focal point that we would want to have somebody go to put it does serve the purpose of breaking up the roofline so you don't have a straight

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roofline and it also compliments the tower as you look at it from the north elevation as you look at it from the rest of the center. That was the goal and that was...

MAGUIRE: I understand that and I do see where on the north side of the building it does create a focal point and that is a north entrance...those three glass windows there, those are...

PHILIPS: That's not an entrance. If it was an entrance we would put a larger architectural feature there but it is not an entrance so it has smaller architectural features...complimenting architectural features.

MAGUIRE: Thank you. I would like to hear comments about the "mock" tower.

MITAL: I certainly think it complements the west elevation but I am still on the fence about the whole north elevation and the south.

PHILIPS: The north is the one...

MITAL: The top one...yes.

BOGART: I did meet with the applicant on the site last week and the two things that seem to be predominant in the corridor in this area are the mansard roofs and also the big design feature of this site is that you are going to see the north elevations from once you enter Park Ridge, coming all the way down Kinderkamack Road because you have the big open parking lot from the A&P and Staples, so the discussion basically centered around, *this is going to be the elevation that everyone is going to see and is one of the first buildings you will see upon entering Park Ridge*, so along with changing the materials we said we should look at modifying that roofline to make it a little more attractive than just a flat roof.

I think a little bit of that was touched upon at the public hearing. As you heard testified tonight, we did go back and forth on a couple of designs. Originally the applicant had suggested that any modification to the elevation just wasn't appropriate and so throughout the day today, we went back and forth and I had provided the applicant with a suggested design. It was similar to what was proposed here, however, the roofing element was a little bit more substantial, there was another tower towards the rear of the building so you actually had three different elements to the roofline breaking it up a little bit.

The applicant responded and suggested it was too much for a little building to handle and so what I have done is to bring it to the board to let them talk about the scale of the building and how to modify the roof design.

I am concerned with the impact this design is going to have on the streetscape given its visibility all along Kinderkamack Road. My feeling is that the "mock" tower, while it helps, I'm not sure it is substantial enough to really make an impact to that façade. I would rather see the flat roof design. It sort of looks like an in-between at this point and I don't think it helps the southern façade at all since it is not going to be seen, so I am not even sure why we would do it there.

There was some testimony at the last hearing that even the sign is not going to be seen and they had talked about removing that on the southern side, so my main concern is the northern façade and I think you either have to go all out and fix the roofline or keep it flat. I am not sure that the in-between works for what we were trying to achieve.

MAGUIRE: Thank you, Ms. Bogart.

That mock roof does not protrude over the edge of the building, does it? It is all behind the edge of the building?

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PHILIPS: There is about a one foot bump out in the building in that area. It is the architectural element. Where the Chase sign is. You can see that it just sticks out a little bit, the section of the building sticks out about a foot and that element would stick out with it.

TEN HOEVE: Ms. Bogart, what did you mean when you said go “all out” with the change of the roof design on that north elevation?

BOGART: Make the modification a little bit more substantial either by increasing the height of it and I know they do not want to compete with the entrance, and I agree with that...or actually bringing the design elements down into on either side of the Chase signs so it actually looks like columns or some sort of substantial architectural feature. Right now it just looks like a little beanie hat on top of the building.

TEN HOEVE: Mr. Philips, is there a reason why you think that is a bad idea?

PHILIPS: I think that having three towers, in my opinion, would be a bad idea. I think making this one a little...it is approximately 3’...the final design is not done, I have been working off some sketches today...perhaps we could increase it 25% to 4’.

You mentioned the thinking when we talked about column...I wouldn’t want to put columns but maybe some kind of an architectural feature coming down might highlight that a little bit more. I wouldn’t want to go too much higher but that is just my eye looking at it from a balance stand point.

I am not opposed to going...I wouldn’t want to double the size but if we went from 3’ to 4’ and then added some kind of molding to make that stand a bit so it would look like a column but I don’t think we actually want to have columns out there where there is no entrance. We might be able to work something like that out.

BOGART: I think you agree with me that this is sort of in between.

PHILIPS: I actually like it probably a little bit more than you do only because it breaks up the roofline in an efficient way and I’m not looking to catch everybody’s eye to that area. It is just an attempt to break up the roofline.

MAGUIRE: Did you give any thought to giving it the same treatment as the Kinderkamack Road side? Put another tower in?

PHILIPS: We did and we talked about putting another tower on there and we don’t think it works well and we think it would look like another entrance and we think this building is not large enough for this tower and to put another tower next to it. We felt it would look as if we were trying too hard to make a small building look big.

It would be out of balance in my opinion and that’s why we did not do it but we can increase the “mock” tower but a foot or so and work with it a little bit if the board likes that type of feature but wants it to be a little bigger.

MITAL: It is certainly hard to visualize even a little bit bigger than that. When I look at something or I really analyze it, I am thinking about functionality so we’re talking about aesthetics right now and that is almost uncomfortable for me to get into because it is a matter of opinion.

What Ms. Bogart said, it really does look like a compromise to me, that small, little peak that’s there. The Kinderkamack as Councilman

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Maguire said or the west elevation certainly is what that look is but if you live in town and when you're coming down from Montvale and traveling south on Kinderkamack, that building will definitely stand out and I am certainly underwhelmed by that north elevation. But again, that is just my opinion and I certainly don't have any great suggestions as to how to do that, other than as you say, to balance it with another tower. But if you say the building is too small...

BOGART: I had actually proposed three towers, which the applicant felt was too much for a small building but the board engineer had a suggestion that you could do two towers and leave the middle part alone...left it as a flat roof.

BASRALIAN: If I understand what you are saying, is eliminate the one in the middle and put a tower similar to what you have on the west elevation at the east side of the building. If that's the question then I think Mr. Philips should address it. I think that is what you are asking.

BOGART: Correct.

PHILIPS: We actually looked at that as well and if you look at the original tower, and the proposed element and how it actually comes out to the canopy, I don't want to put a feature right over by the canopy area, I don't want to highlight the rear of this building. It would look like an attempt at a fortress. When I sketched it out it looked like a small bank trying to look big by putting too much on it.

This works well by having the larger tower and then the smaller element and then it steps down to the building and then steps down again at the canopy. That's why it was designed that way and I'm saying in my opinion we sketched it out a couple of different ways and when we added even one more tower it looked out of balance and an attempt to make a small bank look big.

BASRALIAN: Your suggestion is to raise the center one by about 25%, which would still be giving the same line from the top...

PHILIPS: Yes, the step down look that I am trying to achieve.

MITAL: Yes, and have that graduate from one height down and then further down but even it just has two turrets or maybe a continuous one across the whole building in the center, it would add a little bit more height but I'm going into aesthetics...

PHILIPS: If it went over, we wouldn't have a varied roofline, it would be another element. It would be a mansard roof on the side, which I don't think would work as well as what we have proposed here.

I do think that open mindedly that having some kind of pole or column here, a vertical element on either side of this might help us and might achieve a little bit more of a look without taking it out of balance because it wouldn't affect the height but it would be a little bit more visual impact and I think that construction might be a little bit more workable.

MAGUIRE: I'm coming back to the single tower looking better.

The new diagram, it seems like you have gone floor to ceiling on the second panel of windows, is that a change or am I looking at the wrong elevation?

PHILIPS: I think you are saying that this looks as if it is floor to ceiling and is that a change?

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MAGUIRE: Yes.

PHILIPS: It is and that was modified to make this element stand out a little bit more. If you put an element over a section of a building where there is nothing beneath it to highlight it stands out as an add-on and doesn't make sense, which is why we carried up the window line and had something to highlight on the side of the building to add the architectural element to the north.

MAGUIRE: It does drive it to look more like an entrance, which I think you are trying to avoid.

BASRALIAN: Just to restate...in your opinion to raise that center element up a foot and to change the color from all red brick to a brick that closely resembles the originally proposed Efis, would that in your opinion achieve the aesthetics that everyone is looking to do...to have something harmonious with the center, is good for the building and generally works out for the area as well?

PHILIPS: Yes. I think that would work very well. It would add the elements that we are looking for without making the building go out of balance. That is something we could work out.

BASRALIAN: Well, you are saying if you raise it, change the color to what the Efis was but in brick...

(board & professionals discussed among themselves the options)

MITAL: Councilman Maguire, are you favoring just the one tower and flat, which is what Ms. Bogart had said and I am thinking as well?

Ok, Councilman Maguire and our planner had mentioned going back to the original configuration with the tower and eliminating the smaller graduating ones.

BASRALIAN: Using the brick color matching the original proposal.

MITAL: Yes.

Does anybody else on the board have any comments or questions?

MANCUSO: Was it an oversight not to remove the Chase sign from the south exposure? I thought at the last meeting you had agreed to eliminate that.

BASRALIAN: I think what we said was it really is only visible when you get right next to the building but we would remove it if that is what the board wanted but it was left on because they used the same model but just added the new element to that plan. But, yes, we will remove it if that's what the board wants.

MANCUSO: Thank you.

MITAL: Anyone else, if not, no further questions.

BASRALIAN: I don't think we have anything further to add unless there is someone from the public who has a comment.

I won't go through all the reasons why because we presented at the last hearing. We have tried to take into consideration everything that the board asked us to do at the last hearing in dealing with the materials, changes and tried to accommodate what the concerns were. It is subjective when you do that and is very difficult under any circumstances to have

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subjective criteria and absent an ordinance that was very, very particular on aesthetics; it really is something in the eye of the beholder, so to speak.

We have tried to achieve all of that to make sure that the building is harmonious with the Center and the surrounding area. A lot of them do not have these types of architectural features. With the flat roof we certainly tried to do what is good for Chase and the citizens of this municipality. In our opinion this works and we will certainly change the color of the brick to match the Efis, which seems to be the sentiment of everybody and makes a lot of sense or we go back to eliminate that feature and go just with the change of the brick color to match and to eliminate the sign on the south side along with the tower that was there.

MITAL: At our next work session we will deliberate and discuss this. I think you have a feel for what we are looking for right now.

BASRALIAN: I am not so sure I do. I've heard Mr. Maguire say, well maybe you should just eliminate the mock tower.

We are also faced with time issues with our tenant, who has time periods in which we have to do certain things. I would hope the Board, if it has an opinion, would tell us what it is because we need to have the applicant move on schedule that suits not just the board, but also us, and our client is an important tenant to the Center to invigorate and ensure that the building goes up in the time that we are obligated by contract to do.

I don't have any idea of what you want and without pushing the envelope a lot, these are subjective issues and subjective issues are really not something that are architectural or aesthetics but are things that a board can do to try and guide us and knowing what the law is and what we have to do for this purpose.

I need something, quite frankly, that gives us that (?).

TEN HOEVE: Maybe I can help capsulize this a little bit. The board will discuss this at its next work session, deliberate on the entire application and then instruct me to prepare a resolution, which it will review before it adopts. This board doesn't pass a resolution and then memorialize that resolution at some later time. It is a practice it follows in every single application and that's what it will do in this case.

I'll ask the board to comment on this because I can't speak for the board but if I understood what the board is saying tonight is that it is not going to seek to modify or make a condition to the design of the structure beyond those which have been discussed this evening. I guess I can just try and get some input from the board.

BROWNE: I need some clarification here. We had talked about increasing the size of the "mock" tower and we also discussed eliminating them. What is your preference?

BASRALIAN: I can't answer that.

BROWNE: From an architectural prospective.

BASRALIAN: In order to have the answer to your question, Mr. Mark Gabrellian, is the owner of the Center and perhaps he can answer that better than anybody else.

Mark Gabrellian, Gabrellian Associates, 95 No. State Rt. 17, Paramus, NJ came forward and was sworn.

BASRALIAN: The question that was presented is do we have a preference...we, being the applicant, Ridgemont Shopping Center and its prospective tenant, Chase Bank.

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GABRELLIAN: The feature that was presented here today was as a result of discussions between your planner and representatives of Chase. It was an attempt to accommodate some concerns that were being presented to us and while I had no objection to that, certainly as the owner often times and we have a number of shopping centers that we have developed and redeveloped time and time again, and often times, I find that where a building tries to be something it is not or tries too hard to accommodate too many competing interests, it ends up looking not as good as it otherwise would be if it just stayed as simple as possible.

So, if you are asking me, as an owner, so I have a preference and if I may take a step back, my preference and as those who know us know, that we are long term owners, we do not develop and look to make our money by selling these properties. We look to improve these properties and to make our money by continuing to own the properties and have those properties thrive.

One of the most important aspects of a thriving shopping center, in addition to having a very good tenant mix, to which I would submit Chase would be a very strong addition, but also to have a shopping center that looks and functions as well as it possibly can and certainly with respect to the engineering design features that we presented today, in my opinion, not an expert opinion, but the opinion of someone who does do this every day and who does see shopping centers when they operate well and when they do not operate well, the design features made today certainly will create a shopping center that will function very well, insofar as traffic flow, visibility and most importantly safety.

With respect to the aesthetics, I always try to avoid in all the shopping centers we develop or redevelop or modify or renovate to put too many architectural features into a building because it tends to get busy and you tend to see it looking like something it's not. So, as an owner, I like a building that is simpler rather than more complicated.

My preference would be to keep the roof a flat roofline and I certainly understand the concern for the people who are entering Park Ridge for the first time and looking down the way at this building, which is certainly going to be, under any circumstances from the original design to this design much better than the building that is currently there and will continue to exist there if we can't put this building there. But, I think that the change in colors, for example, I approve these designs before they are presented here, as the owner.

The original design with the Efis I approved because it did present a variation on an elevation that was going to be a very common elevation. So we have no problem saying, Ok, if there's a concern about how well Efis is maintained and we have Efis in many of our shopping centers, most of our shopping centers have some Efis and the key there is to maintain it. It is to paint it, signs are taken down to repatch it, to reskim the entire surface, so it can be maintained but we have no objection to brick and we have no objection to the brick being a different color to make a more pleasing view and more varied view.

So, as a somewhat long winded answer to your question, my preference would be to keep it looking good but simple and not try to make it look like something that, in fact, it isn't and shouldn't be. If you are asking me what would be my preference, my preference would be the flat roofline and take those mansards out and let the tower, which accentuates the area that it should accentuate, continue to do that.

BROWNE: Thank you.

MAGUIRE: Thank you Mr. Gabrellian and Mr. Ten Hoeve, in response, I would support the application with the single tower and the change of the Efis to brick but with the tan color.

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TEN HOEVE: I think what Mr. Basralian is asking is whether or not the board requires any further testimony with regard to further modifications to the plan or not and he doesn't want a situation where the board deliberates and say well, we really want a different roof design, come back and do a different roof design.

MAGUIRE: And my response, and I cannot speak for the board, but I would support the design as we have seen the drawings, the only change being the brick.

The board all agreed.

TEN HOEVE: So the board will discuss this at its first meeting in January.

BASRALIAN: When is the date of that meeting?

BEER: January 12th.

TEN HOEVE: The hearing is closed; no further testimony will be taken.

BASRALIAN: What time is that meeting, Mrs. Beer?

BEER: 8:00pm.

BASRALIAN: Mr. Chairman, may I ask a question of the board?

MITAL: Sure.

BASRALIAN: The dilemma for us as well as the shopping center and I am respectful of your process and do not suggest that the process should be anything other than what it is...it leaves, quite honestly, me in somewhat of a quandary because of time commitments. To be honest with you I cannot get a sense as to where the board is going, which would dictate what I should be doing in the next 30 days.

TEN HOEVE: And the board can't really tell you that. What it will do is deliberate and if it decides it wants to approve the application with conditions, it will discuss the conditions it would like to include. It will informally instruct me to prepare me a resolution that is then mailed to all board members and reviewed prior to a formal vote on the application. If there are any change so that resolution that are required, they will let me know and the changes will be made and then it is voted upon at the subsequent meeting, the second meeting in January.

That is the process that is followed in every single application by this board.

MAGUIRE: Could they call Mrs. Beer in the morning and find out how the board deliberated and what they instructed you to do?

TEN HOEVE: Well, they will be present at the meeting.

MAGUIRE: They could stay around tonight...

TEN HOEVE: That's not going to happen tonight, that happens at our January meeting.

MITAL: Is that time frame sufficient?

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GABRELLIAN: If I may...one of the things I am nervous about is the existing building there that is untenanted. Now, we have a permit to demolish the building but we have not demolished that building because, frankly, I don't know how this board is going to act but every day that a building like that stands untenanted, I'm always concerned about the safety issue.

We've secured it as best as we can but a vacant building like that, in my mind, presents the possibility of someone trying to break in and of injuries and problems. If I have no sense as to where the board is going, it is difficult for me to make a decision to go ahead and demolish that building as quickly as possible and the longer that building stands vacant like that, which the longer I feel we are creating somewhat of a dangerous and tenuous situation.

MITAL: I can appreciate your situation but

MAGUIRE: Thank you, Mr. Gabrellian, we certainly understand the safety concern and to a point we can certainly notify the police department to be vigilant as they are going through there. I know they do patrol that area quite often.

But to help this application along and we are interested in seeing you develop this property, I think and I can't speak for the whole board, but for myself, I like the application, I don't see us making any additional changes or conditions other than the ones we just talked about. So with that said, I don't know if we can deliberate tonight and get...

TEN HOEVE: You can informally poll the board, if Mr. Gabrellian is concerned, for an informal opinion understanding that it is not binding in any way and if you wanted, I could try to prepare a resolution for discussion and review at the work session meeting, rather than the subsequent meeting. It would shorten the period a bit, if that's what the board wanted to do.

BROWNE: That sounds like a good idea.

MITAL: Yes, if you informally poll the board...we are just hesitant to tell you exactly how we feel.

TEN HOEVE: There have been several months of hearings and many conditions other than those discussed this evening and board members will have to review the transcripts, go over their notes but if I am correct, I think the board is telling you that by and large they tend to consider this an application that is likely to be granted. It is just dotting the I's and crossing the t's .

GABRELLIAN: I appreciate it, thank you very much.

MAGUIRE: Does that help you with your timeline?

GABRELLIAN: I appreciate it, thank you.

BASRALIAN: Thank you very much and a Merry Christmas and Happy New Year.

NEW BUSINESS:

(Mr. Browne recused himself and left the dais)

L.C. DEVELOPERS, LLC – Grand, Lafayette & No. Fifth St.

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WHEREAS, LC DEVELOPERS, LLC, Grand, No. Fifth and Lafayette Street, known as Lots 1 & 3 of Block 1001 on the Tax Map of the Borough of Park Ridge, had posted a Performance Bond in the amount of \$234,348.12, which was subsequently reduced in 2008 to \$137,446.20; and

WHEREAS, a cash Performance Bond of \$26,038.68 was posted, which was subsequently reduced to \$11,590.00 in 2008; and

WHEREAS, there remains in the Cash Performance Bond \$11,958.69, which includes interest; and

WHEREAS, the applicant has requested both their Performance Bond and Cash Performance Bond be released; and

WHEREAS, the Borough Engineer has conducted a site inspection and submitted a report dated October 22, 2010, copy of which is attached; and

WHEREAS, the Planning Consultant has conducted a site inspection and submitted a report dated November 11, 2010, a copy of which is attached; and

WHEREAS, a No Further Action letter has been received from the Department of Environmental Protection, dated November 29, 2010, a copy of which is attached; and

WHEREAS, both the Engineer and Planning Consultant now recommend the Performance Bond and Cash Performance Bond be released and that a Maintenance Bond in the amount of 32,548.35 be submitted prior to the release of the Cash Performance Bond; and

WHEREAS, the current escrow amount of \$3,558.66 can be further reduced by \$2,058.66, thereby leaving the sum of \$1,500.00 remaining in the escrow account.

NOW, THEREFORE, BE IT RESOLVED by the **Planning Board of the Borough of Park Ridge** that the Performance Bond of \$137,446.80 be released.

BE IT FURTHER RESOLVED, that the Cash Performance Bond of \$11,958 and any subsequent interest added to it be released.

AND BE IT FURTHER RESOLVED that the escrow account be reduced by \$2,058.66 leaving a sum of \$1,500.00 in the escrow account,

Offered by Councilman Maguire.
Seconded by Mr. Schwamb

AYES: Ms. Eisen, Messrs. Mesiano, Mital, Oppelt, Schwamb, Councilman Maguire

ADJOURN:

There being no further business to be discussed a motion was made by Mr. Browne that the meeting be adjourned.

Seconded by Mr. Oppelt.
Carried unanimously.

Respectfully submitted,


Board Secretary

(9:06pm)