

Minutes of the Park Ridge Planning Board
Wednesday, January 12, 2011 @ 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, Ludwig, Mital, Oppelt, Schwamb,
Ms. Eisen, Councilman Maguire
Absent: Mr. Von Bradsky, Mr. Mesiano, Mr. O'Donoghue
Also Present: John E. 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 12, 2011, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 13, 2011 and by posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereat and by filing the said schedule in the office of the Borough Clerk.

OATH OF OFFICE:

Chairman Mital administered the Oath of Office to **Robert Ludwig**, newly appointed Board member.

Mr. Ludwig took his place at the table.

INTRODUCTION OF NEWLY APPOINTED MEMBERS:

Raymond Mital - reappointed Class IV member - term expiring
12/31/14

David Mesiano - reappointed Class IV member - term expiring
12/31/14

Don Browne - reappointed Class IV member - term expiring
12/31/14

Don Schwamb - reappointed Alt. I member - term expiring
12/31/12

Terence Maguire - newly appointed Class III member - term expiring
12/31/11

Robert Ludwig - newly appointed Class II member - term expiring
12/31/11

DISCUSSION OF REORGANIZATION:

Motion made by Mr. Browne and seconded by Mr. Oppelt to confirm that the regular order of business be suspended in order to reorganize for the year 2011.

Nomination made by Mr. Oppelt that Mr. Mital be elected Chairman of the Board for 2011.

Seconded by Councilman Maguire.
Carried unanimously.

Nomination made by Mr. Mital that Mr. Oppelt be elected Vice-Chairman of the Board for 2011.

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Seconded by Councilman Maguire.
Carried unanimously.

Nomination made by Councilman Maguire that Mr. O'Donoghue be elected as Secretary of the Board for 2011.

Seconded by Mr. Oppelt.
Carried unanimously.

DISCUSSION OF APPOINTMENTS:

Motion made by Mr. Browne that Helyn N. Beer be appointed as Administrative Clerk to the Board for 2011.

Seconded by Mr. Oppelt.
Carried unanimously.

Motion made by Mr. Mital that John Ten Hoeve, Jr. be appointed as Counsel to the Board for 2011.

Seconded by Councilman Maguire.
Carried unanimously.

Motion made by Mr. Mital that Eve Mancuso, PE be appointed as Engineer to the Board for 2011.

Seconded by Ms. Eisen.
Carried unanimously.

Motion made by Mr. Mital that Brigette Bogart, PP be appointed as Planner to the Planning Board for 2011.

Seconded by Councilman Maguire.
Carried unanimously.

COMMITTEE APPOINTMENTS:

(to be made by Chairman at next meeting)

DESIGNATION OF REGULAR MEETING NIGHTS, OFFICIAL PUBLICATIONS FEES.

WHEREAS, the Open Public Meetings Act, C.231, P.L. 1975 requires that every public body within seven days following the annual reorganization meeting of that body adopt a schedule of regular meetings to be held during the year and further gives to each public body the right to designate certain other items.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Park Ridge that the schedule of regular meetings of the Planning Board, required by Section 13 of the Act, shall be as set forth in Schedule "A" annexed hereto and made a part of: and

BE IT FURTHER RESOLVED that the Planning Board Secretary be, and she hereby is, directed to post said schedule on the Municipal Bulletin Board and maintain the said schedule thereat throughout the year, and to mail a copy of said schedule to the

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newspapers hereinafter designated and to maintain a copy on file and available for public inspection in the Borough Clerk's office; and

BE IT FURTHER RESOLVED, that The Record and the Review, be, and they hereby are, designated as the newspapers to which notices must be sent pursuant to Section 3(d) of the Act, said newspapers being so designated because they have the greatest likelihood of informing the public within the Borough of Park Ridge; and

BE IT FURTHER RESOLVED, that pursuant to Section 14 of the Act, the Planning Board Secretary be, and she hereby is, directed to maintain a list of persons desiring to receive by mail copies of any notices required under the Act and to mail such notices to said persons upon prepayment by each said person of an annual fee of \$25.00 except that such notice requested by news media shall be mailed to such news media free of charge.

Offered by Mr. Browne and seconded by Mr. Oppelt to confirm.

AYES: Messrs. Browne, Ludwig, Mital, Oppelt, Schwamb, Council Maguire, Ms. Eisen

CORRESPONDENCE:

Board discussed correspondence received from Antimo Del Vecchio, Esq., attorney representing the **Mark Prusha Subdivision**. Attorney requesting a reopening of some of the conditions of the Resolution of Preliminary approval.

Board felt conditions imposed were as a result of recommendations by the professionals as well as testimony given.

Board decided to hear the applicant's attorney at the next public meeting but that legal notice had to be published and Notices sent to the property owners within 200'

Hearing set for the Wednesday, January 25, 2011 meeting.

SITE PLAN:

RIDGEMONT SHOPPING CENTER, LLC (Chase Bank)

166-169 Kinderkamack Road
Lots: 1,2,3, Block: 1406

WHEREAS, RIDGEMONT CENTER, LLC (Park Ridge Hye Partners, owner, a Limited Liability Company of the State of New Jersey, (hereinafter referred to as "Applicant"), being the owner of premises known as 166-169 Kinderkamack Road in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lots 1,2 and 3 of Block 1406 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 Preliminary site Plan Approval, together with required variances and waivers, and seeking a Soil Moving Permit in order to allow the demolition of one of the structures currently located on

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the site and the construction of a new, commercial building, specifically a "Chase Bank" on the site; and

WHEREAS, the subject parcel is located in the B-1 Business District as defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant is also seeking variance from the Zoning Ordinance of the Borough of Park Ridge, specifically the following variances:

- a) A variance from the impervious coverage requirements applicable to the B-1 Zoning District to permit an impervious coverage of 84% rather than the maximum 80% coverage permitted by the Zoning Ordinance.
- b) A variance from the minimum required front parking setback of 20 feet required in the B-1 Zoning district to permit a minimum front parking setback of 7 feet;
- c) A variance from the B-1 Zoning District limitation providing that no more than one principal building exist on a site to permit the continuation of two principal buildings on the site.
- d) A variance from several provisions of the Borough Sign Ordinance to permit two free standing pylon signs; to permit two wall mounted signs; to permit wall mounted signs; a variance to permit signs having letter heights of 2.5 feet rather than the maximum 2 feet permitted; and a variance to permit the installation of directional signs having an area of 3.1 square feet rather than the maximum 2 feet permitted by the Ordinance.
- e) A waiver from the requirements of the Subdivision and Site Plan Review Ordinance to eliminate the need for a loading space.

WHEREAS, Applicant has submitted various sketches and renderings including a site plan entitled, "Site Layout Plan Ridgemont Shopping Center" prepared by Lapatka Associates, Inc., Licensed Engineers of the State of New Jersey, dated September 27, 2010, but last revised on December 6, 2010, together with architectural renderings, descriptions of building materials and other drawings marked into evidence at the hearings held in connection with the application; and

WHEREAS, the BOARD received reports from its professionals and Borough Agencies, specifically including the following:

1. Reports from the Borough Planner, Burgis Associates, Inc., dated October 28, 2010 and November 30, 2010;
2. Reports from the borough Engineer, Broker Engineering, :LLC, dated October 28, 2010; November 30, 2010 and December 30, 2010;
3. A Report from the Borough of Park Ridge Department of Public Works dated December 10, 2010;
4. A Report from the Borough of park Ridge Water Department, William Hahn, dated December 9, 2010;
5. A Report from the borough of Park Ridge fire Prevention Bureau dated October 30, 2010; and

WHEREAS, hearings were held before the PARK RIDGE PLANNING BOARD duly convened on November 3, 2010; December 1, 2010 and December 15, 2010, upon due notice as required by law; and

WHEREAS, the BOARD has carefully considered the application and all testimony and evidence presented to the BOARD.

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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 the Ridgemont Shopping Center, the principal shopping center in the Borough. The shopping center is located on Kinderkamack Road, the principal traffic corridor in the Borough. The shopping center includes one large building housing the commercial businesses of the center together with a detached building previously utilized for medical offices. This separate medical office building is now vacant. Applicant seeks to demolish the medical office building and replace same with a new commercial building to be occupied by a bank, specifically a "Chase Bank".
2. The property in question consists of three tax lots having a total area of approximately 8.2 acres. The property has 765 feet of frontage on Kinderkamack Road and a lot depth of 465 feet. The vacant medical office building is situated in the southwest corner of the site, near to Kinderkamack Road. The topography of the site also is quite unique, having steep slopes in the rear, and particularly along the eastern and southerly property lines.
3. As indicated, Applicant seeks to demolish existing 5,468 square foot medical office building and to replace same with a substantially smaller, 4,399 square foot bank building having two-drive- thru windows. Applicant also seeks to reconfigure the parking and traffic pattern in the area for the new bank building and to provide additional landscaping and other site improvements.
4. Applicant initially required several variances/waivers as noted in above listed professional reports. Following the initial hearing on the matter, and after reviewing the several professional and agency reports, Applicant agreed to make several modifications to the initial proposal, modifications that both eliminated some proposed variances and also rendered the proposal more in compliance with requests made by the BOARD and BOARD professionals. The changes discussed and ultimately agreed upon by the Applicant included the following:
 - a) Applicant initially proposed retaining walls having maximum heights in excess of twelve feet. In response to BOARD concerns, Applicant modified the proposal to provide tiered retaining walls and to provide that no retaining wall would have a height in excess of seven (7) feet. Applicant further agreed to redesign the new retaining walls to insert a color-line block to improve the appearance of the walls. Applicant finally agreed to construct the retaining walls of modular blocks rather than the concrete as originally proposed.
 - b) Applicant also initially proposed signage having more colors than permitted by the Zoning Ordinance. During the several hearings held in connection with the proposal, Applicant agreed to modify sign colors to provide that said signs would have only two colors.
 - c) Applicant initially required a variance from the five (5) foot setback along the southerly property line. During the course of hearings on the project, Applicant shifted parking away from the southerly property line so as to comply with the required setback thus eliminating the need for this variance.

- d) Applicant eliminated the guide rail, fence and retaining wall along the southerly parking line and agreed to landscape the area providing additional plantings in this area.
 - e) As requested in agency reports, Applicant agreed to modify the plan to relocate a proposed utility pole and power lines to prevent having power lines above parked vehicles.
 - f) Applicant also modified the plan to revise proposed lighting and landscaping to comply with requests made by the Borough Planner. The Applicant also noted that all lighting on the site complied with state regulations governing lighting for Automatic Teller Machines. Applicant's experts further confirmed that there would be no spillage of lighting from the site onto adjacent properties.
 - g) Most significantly, again in response to the BOARD'S comments, the Applicant modified the proposed entrance to the bank area of the shopping center to render the access point a one-way entrance as currently exists, eliminating the previously proposed two-way ingress and egress design feature.
 - h) Again in response to requests by the Borough Planner, Applicant agreed to modify landscaping to intermingle the proposed viburnum with different species to create a more natural appearance.
 - i) The Applicant also agreed that the chain link fence on the highest proposed retaining wall would be planted between the proposed landscaping so as to minimize the visibility of said fence.
5. In specific response to a request by the Borough Planner, Applicant also agreed to modify the initial plan to designate parking spaces on the easterly end of the subject site as future parking spaces rather than current spaces. As also recommended by the Borough Planner, the Applicant agreed to provide plantings in the area of the proposed future parking spaces, with the understanding that the Applicant would have the discretion to remove the landscaping and install the actual parking spaces in the future if the Applicant decided that the additional parking was required.
6. Applicant also provided testimony from the Chief Operating Officer of the engineering and architectural firm that designed the proposed bank building, Glenn Phillips. Mr. Phillips described the proposed building and confirmed that the height of the building did not exceed the maximum height permitted in the zone, being 27.5 feet from grade.
7. Mr. Phillips also testified that there was no proposed dumpster on the site since all paper utilized in the bank operation was shredded and that all paper and other refuse was picked up by a private company and removed from the site on a daily basis. Mr. Phillips also described the proposed signage, specifically detailing the proposed pylon signs, wall signs, and directional signs. He noted that the proposed directional signs were necessary to enable customers to determine where to enter the site, where the drive-thru lanes were on the site and how to navigate into and from the site.
8. Again in response to BOARD requests, Applicant agreed to substantially modify the façade of the proposed bank, eliminating the initial EIFS design and replacing same with an entirely brick façade. Applicant further agreed to utilize bricks of different colors along the top of the façade as requested by the Borough Planner.
9. Applicant also presented the testimony of William Hamilton, licensed planner of the State of New Jersey. Mr. Hamilton first

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discussed the front setback parking variance, indicating that while the proposed setback of seven (7) feet was less than the twenty (20) foot setback requirement, the existing setback for the access drives currently serving the medical office building also failed to conform with the setback limitation being located but six (6) feet from the front lot line. Mr. Hamilton also noted that the proposal would provide more landscaping than currently existing on the site. Mr. Hamilton also testified that the placement of parking within the front setback allowed the Applicant to locate the drive entrance farther from another entrance from Kinderkamack Road, thus providing an additional benefit. Finally, the witness noted that the severe slope in the rear of the property resulted in a unique topographical condition that reduced available areas for parking and circulation aisles.

10. Mr. Hamilton also opined that the project satisfied several goals and purposes of the Municipal Land Use Law including the promotion of the general welfare, also by providing for the free flow of traffic and by generating additional landscaping on the site. He further testified that the front yard variance would have no negative impact on the neighborhood or the zone scheme of the Borough, noting that similar conditions existed at several other businesses in the immediate area. He also highlighted the limited impact of the impervious coverage variance, stating that the proposal would actually reduce the extent of an existing nonconforming impervious coverage condition. He stated that the request to allow two separate buildings on the site simply continued a preexisting condition by virtue of the smaller size of the proposed new structure.
11. Mr. Hamilton also offered testimony in support of the requested sign variances. As noted on revised plans, Applicant modified initially proposed signage to reduce the extent of required sign variances. Applicant's modified signage plan included one pylon sign, two freestanding directional signs and two wall signs, Applicant agreeing to eliminate the wall sign on the southerly façade if so requested by the BOARD. He observed that the pylon sign variance was justified by virtue of the need to provide an appropriate marker enabling operators of vehicles on Kinderkamack Road to locate the site, a free standing building separate from other businesses in the shopping center. He indicated that the sign was consistent with the size of signs on other businesses within the area. He also observed that all of the sign variances could be granted without substantial detriment to the public good, the zone plan or the zoning ordinance.
12. Applicant's engineer described final site plan changes at the December 15, 2010 meeting. The Engineer noted that Bergen County had approved left turns from Kinderkamack Road into the site provided no restriping of lanes took place on Kinderkamack Road. A sign would be installed at the entrance indicating that vehicles could not exit from the site. There would be seven future parking spaces to the east of the drive thru lane that would remain landscaped unless the Applicant determined that the additional parking would be required. Applicant's engineer testified that the Applicant would comply with all conditions contained in the Borough Engineer's report dated December 13, 2010 and the Borough Water Department report dated December 9, 2010. The Applicant agreed to revise the landscape plan to provide that the two new trees to be planted would be taken from the list provided by the Borough Planner. The Applicant further agreed to provide sidewalk markings in the area noted in the Borough Planner's

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report to permit pedestrian access to the site from Kinderkamack Road.

13. The BOARD finds and concludes that the Applicant has presented sufficient proofs to justify the grant of the requested variances and waivers necessary to permit the proposed development. The project will achieve several goals and objectives of the Municipal Land Use Law as noted in the testimony provided by the Applicant's Planner. The public benefits resulting from the proposal are numerous and substantial. The new building will be more aesthetically pleasing than the prior structure and, while nonconforming, will be smaller than the existing building. The new location of the structure will result in significantly improved traffic and circulation on the site. The proposal will generate substantial additional landscaping.
14. The BOARD also finds that the Applicant is constrained by existing, unique topographical conditions on the site resulting in a hardship for the Applicant. The steep slopes in the rear of the property limit the Applicant's ability to provide parking on the site in areas other than the front setback. The topography of the site also impacts circulation drives on the site. The BOARD thus finds that the requested bulk variances and sign variances are justified both under a traditional c(1) analysis as well as a flexible c or c (2) analysis. The BOARD accepts the testimony provided by the Applicant's Planner with regard to the benefits that will result from the requested sign variances.
15. Moreover, the BOARD finds that the granting of the requested variances will have no negative impact whatsoever on the neighborhood, the Master Plan or the Zoning Ordinance, and that the grant of the variances will result in no detrimental impact on the public good. To the contrary, the proposal complies with the goals and objectives of the Master Plan and the Zoning Ordinance.
16. The BOARD thus finds that the benefits resulting from the grant of the requested variances far outweigh any negative impact since the BOARD finds that there is no negative impact resulting from the grant of the requested variances.
17. The BOARD also finds that the waivers requested by the Applicant with respect to the requirement that a dumpster be located on the site, the loading zone requirement and other waivers noted in the final plan are justified.

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 Site Plan Approval and a Soil Moving Permit together with requested variances and waivers as set forth hereinabove and as described during all site plan review proceedings 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 and evidence submitted to the Planning Board and in compliance with

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the requirements of all Borough Ordinances and other requirements as may be imposed by the Borough Engineer.

- D. Applicant shall be required to pay all professional fees, escrows and bonds in a timely manner.
- E. Applicant shall complete all improvements in accordance with the aforementioned development application proceedings, including but not limited to the final, revised Site Plan, as well as in compliance with all other applicable Borough Ordinances.
- F. All lighting shall be provided as set forth on the Site Plan. If so requested, Applicant shall be required to submit specifications to the Borough Engineer to confirm that there will be no spillage of lighting from parking areas onto adjacent properties. The within approval is specifically subject to a subsequent review by the Borough Engineer upon the completion of the project to make certain that the aforementioned lighting does not spill onto adjacent properties. If the Borough Engineer determines that the lighting does not comply with this condition, Applicant shall be required to modify any installed lighting.
- G. All utilities shall be installed at the Applicant's expense, whether installed by the Applicant or by or on behalf of park Ride Utility Agencies. Applicant shall comply with all requirements set forth in the report by the Park Ridge Utility Department. Applicant shall also specifically comply with all of the requirements contained in the final report of the Park Ridge Water Department dated December 9, 2010, a copy of which is attached hereto as Exhibit "A" and made a part hereof as if set forth at length herein.
- H. Applicant shall provide only those signs approved as part of the final site plan. Applicant shall not construct any other sign that is not in compliance with the requirements of the Borough Sign Ordinance. Applicant shall provide that all future signs are in conformity with the design plan for the building and in conformity with other signs existing on the site as required by the Zoning Ordinance. In the event Applicant proposes any sign not in compliance with the Ordinance, Applicant shall be required to reapply to the BOARD for a variance permitting such signs.
- I. The Applicant secure all necessary approvals, if not previously secured, including but not limited to the County of Bergen, the Bergen County Planning Board Approval, the Bergen County Soil Conservation Board 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 provide a Knox Box as required in the Borough Fire Agency review dated October 13, 2010 and Applicant shall comply with the requirements of said report concerning connections to fire hydrants.
- K. Applicant specifically complete all landscape improvements set forth on the Site Plan. Applicant shall provide protective fencing at the drip line for all trees to remain on site with said fencing to remain in place throughout the course of construction. Tree wells shall be constructed if so required by the Borough Engineer.
- L. Applicant shall provide for all drainage as specified in the Site Plan Approval process, as set forth in detail on the Site Plan and as may be reasonably modified by the Borough Engineer at the time of construction. If requested by the Borough Engineer, Applicant shall also be required to provide the Borough Engineer with the results of soil testing at the time of construction with said results subject to the review and approval of the Borough engineer.
- M. Applicant shall landscape the area of "future parking spaces" shown on the easterly portion of the site, reserving said parking

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spaces for future use should the Applicant determine, in the Applicant's discretion, that the spaces are required. Should the Applicant so determine, Applicant shall not be required to return to the BOARD for amended Site Plan Approval, however, Applicant shall be required to comply with all other building, design or structural requirements of Borough Ordinances.

- N. Applicant shall construct the proposed building and site improvements in compliance with the Site Plan and Architectural Plans submitted to the BOARD. No changes to said structures shall be permitted with reapplication to the BOARD.
- O. Applicant shall pay any and all development fees that may be required pursuant to the Development Fee Ordinance of the Borough.
- P. Applicant shall comply with all requirements noted in paragraph 4(a-i) hereinabove as if recited herein at length.
- Q. Applicant shall design the façade of the structure to include bricks of a brown/red color similar to that of the original façade design, however, the entire façade shall be constructed of brick. The color and design of said façade shall be subject to the review and approval of the Borough Planner.
- R. Applicant shall not be required to locate a dumpster on the site with the specified understading that Applicant shall provide for daily pickup of all paper and other refuse from the site.
- S. Applicant shall revise the plan to provide for the elimination of the wall sign on the southerly façade of the bank building.

Offered by Councilman Maguire.
Seconded by Robert Oppelt.

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

NEW BUSINESS:

Hespe Subdivision – Ellin Drive

Board reviewed applicant's request for Performance Bond release. Board Engineer reviewed and found several items that still needed to be addressed. Board instructed secretary to forward Engineer's letter to applicant.

OLD BUSINESS:

Planner and board attorney discussed new Bill recently adopted by both Senate and House. Planner reviewed various aspects of the bill including the new numbers assigned to the Borough, the Development Fee funds and the effect on the Borough's current Housing Plan. Board Attorney indicated Bill was to go to the Governor for signing, who indicated he would be giving it a Conditional Veto.

ADJOURN:

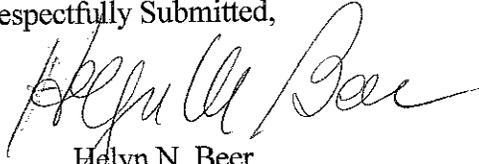
ADJOURN:

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

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Carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Helyn N. Beer".

Helyn N. Beer
Secretary