

Minutes of the Park Ridge Planning Board  
Meeting of January 23, 2013 – 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, Don Schwamb, on the above date, time and place.

Chairman called for the Pledge of Allegiance to the Flag.

**ROLL CALL:** Present: Ms. Eisen, Messrs. Browne, Ludwig, Mesiano, Metzdorf, Mital, Schwamb, Von Bradsky, Councilman Misciagna  
Absent: Mayor Maguire (in audience)  
Also Present: William Rupp, 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 9, 2013, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 10, 2013 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.

**INTRODUCTION OF NEW & NEWLY APPOINTED BOARD MEMBERS:**

**Robert Metzdorf** - newly appointed Class IV member – filling unexpired term ending 12/31/15  
**Kieran Lynch** – newly appointed Alt. I member – term ending 12/31/14  
**Keith Misciagna** – newly reappointed Class III member – term ending 12/31/13  
**Robert Ludwig** – newly a reappointed Class II member – term ending 12/31/13  
**Terence Maguire** – Class I – Mayor

**REORGANIZATION:**

Chairman announced the following had been elected as the 2013 officers of the Board.

**Chairman - Don Schwamb**  
**Vice Chairman - Peter Von Bradsky**  
**Secretary - Robert Metzdorf**

Chairman announced the following appointments.

**William F. Rupp – Counsel to Board for 2013**  
**Brigette Bogart, PP – Planner to Board for 2013**  
**Eve Mancuso, PE – Board Engineer for 2013**

Chairman announced the following Committee appointments.

**Ray Mital** – Open Space Committee  
**Robert Metzdorf** – Voucher Review  
**Councilman Misciagna** – Council Representative

Chairman announced the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays, except for November and December, which are on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays.

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

There was no one.

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**PUBLIC HEARING:**

**P.R.A.H. & BOROUGH OF PARK RIDGE** - NBD

40 & 38 Park Avenue  
Lots: 10 & 11 Block: 1617

(Councilman Misciagna recused himself at this time and left the dais)

RUPP: I will also note that the Mayor has recused himself from participating in this application.

David Rutherford, Esq., Ridgewood , New Jersey came forward stating he was representing the applicant PRAH, LLC.

RUTHERFORD: Good evening, Chairman Schwamb and members of the Board and professionals. I appear tonight on behalf of PRAH LLC. I am accompanied by a number of representatives of my client and our project team, including Louis Mandarino and Doctor Donna Mandarino of PRAH Associates, Rick Eichenlaub, our professional engineer to my left, Ray Vigona, our architect is here as well as Lisa Phillips, our professional planner.

Just as a matter of housekeeping, I had faxed to Ms. Beer our affidavit of service and publication earlier in the day and if the Board will permit, I do have the original, which I can hand up to her at this time, if that's acceptable.

RUPP: Before you proceed any further, are there any other attorneys present representing any other interested parties in this matter?

Elliott Urdang, Esq. came forward stating he was representing Temple Beth Shalom, the adjacent property owner and appearing in opposition to this application.

URDANG: At some point, before you get started with the substance of this hearing, I would like to make a request of the Board, which I previously made in writing. The gist of that request is I would like to seek an adjournment of this matter.

The situation is complicated by a number of things...#1, I have a conflict with a continuing matter before the Closter Board of Adjustment that I was obliged, in effect, to cancel because I couldn't get any feedback because the Board hadn't met...#2. With respect to my client, there was absolutely nobody on the Board of Trustees, who was available to authorize me to do anything except to appear, so I was not in a position to obtain experts or anything. I think that an adjournment is really in order here. I have looked at the amendment to the contract between Park Ridge and the applicant and I don't see a severe time limitation. The time for getting approval was extended to June 1, 2013 and I think it would be appropriate, so I could prepare a case in opposition, that the matter be put off.

RUPP: Mr. Urdang, do you intend to be here this evening?

URDANG: Well, I am here. I no longer have a place to go in Closter, so yes, I am here. I still don't think that that eviciates the need for the preparation to be in position to cross examine and have an expert with me to counterbalance the experts to be presented by the applicant.

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RUPP: If you were given an opportunity to cross examine the witnesses at a later date when you would have an opportunity to do that, would that resolve the issue?

URDANG: I imagine it would be the next best thing. It would probably be easier and more fluid for the Board to have it done all at once but yes, I would have to ask to reserve that right. I think it makes the application a little bit more (?).

RUPP: Mr. Rutherford, would you like to be heard?

RUTHERFORD: Yes, we would object to the request. We certainly respect the rights of the interested party to participate in the hearing in a meaningful way and cross examine witnesses...we understand that and it is obviously called for in the Municipal Land use Law. However, my client, on the other hand, also has rights in the matter and we have gone to a lot of time and effort to get us to this point tonight.

We've gotten plans together. We've given Notice. We've filed an application. We've done a lot of things to get here, so I think the Board is in a position to balance not only the rights of the interested party but the rights of the applicant as well, to be heard.

I think, Mr. Rupp, what you have proposed is a reasonable proposal here, an alternative and addresses the issue properly. I do not expect that we will finish this hearing tonight. We are prepared to offer testimony from our engineer and our architect. We do not expect to have planning testimony this evening and we are prepared with that testimony. So I think it would be appropriate for us to proceed tonight. I think we will have all of our witnesses back, I am certain, at the next meeting so if Mr. Urdang wishes to cross examine at that time, I think that is certainly a fair accommodation to the rights of all parties. So we are prepared to proceed, I think, under those circumstances and it is very fair and appropriate that we proceed this evening.

URDANG: May I just add one other thing to it. Mr. Rutherford and I have had discussions and we both understand our positions and respect them. The only caveat that I would suggest is that clearly Mr. Eichenlaub is going to testify first...I think the testimony will be rather lengthy because there is a lot of stuff that has to be covered and, if I recall, with the last application he was on for quite a long time.

I have a problem with the architect testifying as well because in my estimation, the architect's testimony is very much intertwined with the planner's testimony because our basic objection to what is being proposed here, is a three-story structure being proposed within 5' of the common property line, which creates a problem for us because it will literally blot out the sun. So, if we could reach an accommodation and simply deal with Mr. Eichenlaub tonight because Ms. Mancuso has indicated in her report and I think it will take up most of the evening in any event, and I would respectfully request that we limit it to Mr. Eichenlaub's testimony tonight since we are obviously are going to have to go to a second hearing.

RUTHERFORD: I would only say, in response to that, let's get through Mr. Eichenlaub's testimony and see where we are. I have a position on that but I also realize it may take some time to get through his testimony.

URDANG: I like Mr. Rutherford's pragmatic approach.

RUPP: Mr. Chairman, I think the Board is essentially faced with a number of options here. It could, for example, simply grant the request

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for an adjournment. It could deny the request for an adjournment or it can fashion a remedy that I may have suggested in my questioning that the Board permit the hearing to proceed with the right of the objectors to be given an opportunity to cross examine the witnesses at a subsequent meeting. I will note that case law has established the Rule of Law that objectors must be given a reasonable opportunity to cross examine witnesses and often time adjournments, especially on what amounts to a first hearing on an application is a typical way to afford that opportunity. One of the things, I am sure the Board would not like to see happen, is to have the whole hearing held and the matter remanded on the basis that a reasonable opportunity was not afforded.

So, my legal advice would be to permit the application to proceed at this time, certainly hear from this first witness, find out how long that is going to take and then make a decision then whether it wishes to hear any other witnesses at that time, with the understanding that whatever witnesses do testify this evening, are required by the applicant to return on the next hearing date, whenever that might be, for the purposes of being cross examination by the objector.

That's my recommendation but it is a decision that the Board makes.

SCHWAMB: Can we vote on that? Do we need a motion to vote on it? Does anyone have any questions?

MITAL: If anything, what you were just saying about let's go forward with Mr. Eichenlaub and see where we end up and then at that point, we can decide how much further we can go on...

Motion made by Mr. Mital that that is the direction we take.

Second by Mr. Browne

Carried unanimously.

RUTHERFORD: Thank you. If the Board would indulge me, I would like to make a brief opening statement outlining the relief we seek and the reasons why we think the Board should grant it.

We come before the Board seeking preliminary and final site plan approval and related variances and submission requirements. We seek to demolish the existing buildings on Lots 10 and 11, known well to you as the old post office building and the existing Park Ridge Animal Hospital, to consolidate those lots and to construct a new three-story building with a partial basement on the combined properties.

The new building will house the Park Ridge Animal Hospital on a portion of the first floor along with three other retail uses. The plan features 22 residential apartments, 10 with either one-bedroom or one bedroom with a den, which you will hear testimony about, and 12 two-bedroom apartments on the second and third floors. In addition to the site plan relief, we seek several bulk variances, which Mr. Eichenlaub and our planner will address as we proceed.

With respect to the variances needed, we have reviewed Ms. Bogart's memo of January 18, 2013 and we have also reviewed the NBD zone provisions of the ordinance. We are prepared to stipulate that we will not seek the development bonus called for in the NBD zone ordinance, even though our lot exceeds 50,000 sq ft in area and the reason for that is, that the plan that is before the Board at this present time, is very close to the maximum floor area permitted in the NBD zone in the non-development bonus context, specifically that is 60% floor area ratio and we are at 60.9%. So we are prepared to reduce the size of the building by the .9% to get us into the non-development NBD bonus bulk requirements.

We can also reduce the height of the building to something no more than 10% above the 35' that is permitted in the NBD non-

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development zone context, so we will still need a height variance but for a lower height than what is presently proposed. And most importantly for a height variance that is still within the jurisdiction of the Board to grant. Given that and very significantly, we will no longer need a sideyard setback variance as we will comply with...actually there is no side yard setback requirement in the NBD non-development bonus realm and therefore we will no longer need the side yard variance that is noted in Ms. Bogart's report.

So we are going to need to make some changes to the plan to reflect those changes but they are relatively minor. The gross floor area ratio reduction is in the area of 490 sq ft. The height we are at about 41' right now and we are going to come down to 38.5', and that's one of the reasons why I mentioned earlier that it is going to be necessary for us to return because we will need to make those minor changes to the plan.

But we want to proceed with Mr. Eichenlaub's testimony this evening, nonetheless because there are other issues presented by the application and there are other issues by which we seek Board advice and comment and many of those issues were again raised in the memos from your professionals that we have received and reviewed. Our proposal is compliant with the use provisions in the ordinance. We believe it is a very desirable improvement not only to these properties but to the entire downtown area in Park Ridge and most significantly, and this again is mentioned in Ms. Bogart's report, that we are consistent with and indeed advance the purpose and intent of the Master Plan for the NBD zone as well in terms of the architecture of the building, the streetscape, the consolidation of lots, the mixed use development, the reduced curb cuts and the promotion of a pedestrian friendly environment. We would submit that this is exactly the type of development proposal submitted when the NBD zone was enacted into the ordinance of the Borough of Park Ridge.

So I have taken the liberty of pre-marking my exhibits in the interest of time, Mr. Rupp and if you do wish, I have a copy for you...we pre-marked the exhibits so we hopefully can move forward.

RUPP: Do you have an extra one for our...

RUTHERFORD: Yes. I would like Mr. Eichenlaub sworn so we can proceed.

RUPP: I think only the center microphone works for recording purposes and sound purposes.

Richard Eichenlaub, PE , R&L Engineering, 24 Wampum Road, Park Ridge came forward and was sworn.

RUPP: Do you intend to ask any questions about professional expertise or do we have any objection?

RUTHERFORD: We will be offering Mr. Eichenlaub as an expert in the field of professional engineering and as indicated on the Exhibit List we have marked as Exhibit A-2, the Site Plan that Mr. Eichenlaub prepared. It consists of 6 pages and is dated December 4, 2012 and was signed by Mr. Eichenlaub on December 28, 2012.

And Mr. Eichenlaub, that is indeed what is on the Board over our left hand shoulder.

EICHENLAUB: It is, That is correct.

RUTHERFORD: I would like you to start and you do have the Existing Conditions Plan there...I would like you to begin by describing present

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Lot 10 and 11 with regard to size, dimension, topography, curb cuts, drainage, utilities...and you are referring to Sheet 2 of 6.

EICHENLAUB: What we are looking to do is take what is known presently as Lots 10 and 11...Lot 10 being a rectangular lot and is the westerly lot of the two lots involved. The easterly lot is Lot 11, which is located along Pascack Brook. The Pascack Brook running along the easterly property line of that lot. Presently Lot 11 has on it the existing Animal Hospital, located to the front of the lot. There is a driveway and parking lot system that surrounds the building both on the left and south side of the building.

On the adjacent lot, which is the second of the two lots involved in this application is Lot 10...that is the location of the old post office. Presently it is an abandoned building. Parking lot is used by both the Animal Hospital as well as the Temple to the west of us during periods of high holy days and during days of worship. The lot presently has two driveway cuts on it. One to the west side and one to the east side. The driveway system is parking in the front of the building as well as the west side of the site and has a large expanse of asphalt and parking area to the back of the building, which was used by the postal service and their employees when it was used as a post office. There are old loading docks located to the back of the building, which again were used by the postal vehicles to load and unload mail.

Presently Lot 10, being the larger of the two lots has an area of 29,540 sq ft and Lot 11 has a total square footage of 25, 670 sq ft or a combined square footage of 55,210 sq ft.

RUTHERFORD: And there are curb cuts on each of Lot 10 and 11 at the present time?

EICHENLAUB: Correct. As I indicated there are two curb cuts on Lot 10, one for an entrance and one for an exit on the east corner and then the entrance within Lot 11 is located to the west side of the building along the west property line, the common property line between the two lots.

RUTHERFORD: Are there any drainage facilities on Lots 10 and 11 at the present time.

EICHENLAUB: At present there are no drainage...what we've got in the way of drainage is we simply drain from a high point on Park Avenue and the drainage is to the southwards towards the back of the properties. On Lot 11 the drainage runs both southerly and well as to the east and eventually drains into the Pascack Brook.

On Lot 10 the drainage is almost 100% to the rear of the property. There is a grass area between our parking lot and our neighbors to the west, which is the Temple and that lawn area, that grassed area actually drains in a westerly direction towards the Temple.

I will get into it but under our proposal we are looking to eliminate that. There will be no drainage off our property onto the Temple property.

RUTHERFORD: You mentioned a moment ago that the east side of Lot 11 abuts the Pascack Brook and you've shown on your plan the top of the bank and you've shown some of the grading there, you've shown the riparian buffer...if you could, just as briefly as you can, or at least in summary fashion describe the limitations that the Pascack Brook imposes on the development of these properties.

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EICHENLAUB: Our easterly property line of Lot 11 is actually the centerline of the brook itself. So anywhere from 15 to 20' of our easterly portion of that property is within the brook itself. From the westerly bank of the brook to what is being used by my client presently for their parking lot is a steep slope. That slope is stabilized with large boulders and that's an additional of anywhere from 25' down to 12' at the southerly end and again, that is all steep slope and protected by boulders. Again, unusable property at this point and it will continue to be unusable property.

The usable portion of the property that is being used now and which we are looking to maintain that use is located to the front half of that upper portion of the property above the brook. Presently we do have the building itself as well as the asphalt parking area.

RUTHERFORD: Is there a buffer area associated with the Pascack Brook?

EICHENLAUB: We show a 25' buffer which is located from the top of bank, which is up along the existing parking lot and that 25' runs the entire length of the property north to south. We already have within that buffer in the northerly half of the property, existing asphalt or paved area. Because it is existing and we are looking to maintain that we will be allowed to use that. The State will allow that to be maintained.

A small portion at the northeast corner of the property, that asphalt will be removed and I will discuss that under the proposed improvements and there is a very small section at the south end of our parking lot that will be removed and revegetated as well.

RUTHERFORD: And this property, therefore, falls under the jurisdiction of the New Jersey Department of Environmental Protection, does it not?

EICHENLAUB: It does.

RUTHERFORD: And has the applicant already applied for and received the permit from the DEP?

EICHENLAUB: We had, under the original application...we had submitted and gone through that process and received a permit. We now have to resubmit because this is a new application...there are changes to it because if you recall, under the original proposal we were maintaining the existing animal hospital...there were some renovations being made to it and alterations and we were looking to remove the post office and construct a new building located along the westerly property line of what is now Lot 10. That application was approved and we went back and forth with the State and we had, basically, our approvals in pocket for that and then it was decided that we were going to make the changes that are in the front of the Board now.

RUTHERFORD: And just in general terms, what was the nature of that permit that we received from the DEP?

EICHENLAUB: More or less just to do what we are looking to do now. Remove the existing improvements especially on Lot 10, make the necessary alterations to construct the new building on Lot 10, remove a considerable amount of the asphalt on Lot 11 and provide for new parking along, what is now presently, the common property line.

We are now looking to change it slightly in the sense that both buildings will be removed and we are now looking to relocate what our entrance to the site was located between the two lots and now looking to

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provide an entrance at the northeast corner of the site. The layout and the configuration of parking, although for the most part is similar to what we had, it is different in the approach in that what we are looking to do with the existing conditions on site presently.

RUTHERFORD: Anything else about existing conditions, if not, we can turn to our Site Plan.

EICHENLAUB: There is some vegetation located, as I indicated, along the rear of Lot 11 and a small portion along the rear of the southeast corner of Lot 10. Presently the drainage from our neighbor to the west, which is the Temple, drains across the rear of these two properties, our two properties. I will get into it but we are looking to maintain and allow that drainage to continue, in fact, we are looking to make improvements for that. Right now this area to the back along the southerly property line is overgrown, it is silted up with the decay of leaves over the many, many years that it has been more or less unkempt. That swale or drainage has built up with debris. We are looking to remove that and allow the water to drain off our neighbors' property across the back of our properties as it has done for decades.

RUTHERFORD: Let's go to the sheet that shows our proposed Site Plan. For the record we are now referring to Sheet 3 of 6...as you indicated a moment ago this calls for the demolition of both buildings, it shows (maps being opened on top of microphones...obliterated question) A single curb cut that you just (?) to the east of that?

EICHENLAUB: Correct.

RUTHERFORD: And this plan does reflect the shape of the lot and it also reflects the buffer related to the Pascack Brook?

EICHENLAUB: Correct. That buffer is a 25' buffer taken from the top of the bank and 25', shown as a dashed line here...this portion of the parking lot that we are looking to maintain as parking lot presently exists. The area to the south end of the existing parking lot on Lot 11 is natural and we are looking to maintain that.

RUTHERFORD: If you could review then, for the Board, the area and dimensions of the proposed new building. You've included a calculation of the gross floor area in your plan, have you not?

EICHENLAUB: I have.

RUTHERFORD: Would you review those please.

EICHENLAUB: The actual building itself, the building footprint, which is the first floor has 10,266 sq ft. There is an overhang of the second and third floor across the back of the building, which actually covers both the walkway as well as a handicap ramp and service walkway to the rear entrances of the commercial units as well as the animal hospital.

That overhang is 1,409 sq ft. The total building coverage including that is 11,675 sq ft or 21.15% of the site.

RUTHERFORD: What is permitted in the zone?

EICHENLAUB: With regard to building coverage we are allowed 85%.

RUTHERFORD: So obviously we are well under that.

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EICHENLAUB: Well under.

RUTHERFORD: As long as we are on this, let's just continue with the other coverages on the property so we can get to the total impervious coverage.

EICHENLAUB: That covers the building. We have driveway and parking lot areas, that amounts to 20,336 sq ft. We have concrete sidewalks, which amount to 1,896 sq ft. We have a dumpster pad located approximately midway between the back of the building and the back of the southerly property line, that amounts to 216 sq ft for a total impervious coverage on-site of 34,123 sq ft or 61.81% of the site.

RUTHERFORD: Again, substantially less than the 90% of lot area which is permitted in the zone.

EICHENLAUB: Correct.

RUTHERFORD: And if you then could review the setbacks for the proposed new building on all four sides.

EICHENLAUB: The requirement in the NBD zone...the front setback we are required to provide for 10'. Presently from the existing r-o-w line or front property line to the building foundation we have 10'.

RUTHERFORD: You've shown some bay windows there based on the architectural drawing that go to as close as 8' to the existing property line.

EICHENLAUB: Right but those are only on the second and third floor. They are not on the first floor level. They extend into the required yard two feet and that two feet is allowed within the required setback.

RUTHERFORD: The setback on the west side.

EICHENLAUB: On the west side we proposed 5' from the property line to the base of the building. Under the NBD zone, we are required to have a minimum of 0 feet. In other words we could build right up to the property line.

With regard to the rear yard, there is no requirement for rear yard setback but we have an excess of 191' from our back property line to the back of the building. Again, that is where we are providing for the bulk of our parking.

RUTHERFORD: And you have shown on your plan and prepared in accordance with the architectural drawings which show the proposed uses and which in general terms include the Park Ridge Animal Hospital on the first floor, several retail shops on the first floor and then residential dwelling units on the second floor and third floor...is that right?

EICHENLAUB: That is correct.

RUTHERFORD: Now if you could, before we go inside the building, we will continue with the site. Just describe for the Board, in general terms, how the drive aisles are located and where the parking area is and the drive circulation pattern is intended to be.

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EICHENLAUB: We show the proposed building location. It is located in the front of the site to the northwest portion of the site. Our vehicular entrance as well as pedestrian entrance is located along the easterly side of the building. We have two-way traffic coming in and existing on Park Avenue. We have two-way traffic on our side aisles, driveway. There is parallel parking proposed along the easterly side of that driveway. We have parking across the back of the building, perpendicular parking...we have parking located along the westerly side of the site and we have parking located, running in a north to south direction, perpendicular parking along the easterly side of our parking lot as well.

Additional 90 degree parking is located to the rear of the parking lot facing the southerly property line. The reason it was laid out like this was to maximize the amount of parking that we could get on site. Those Board members who were familiar with the previous application will recall that we did have a loop system around to provide for an unbroken and dead end situation that we have indicated on this particular plan. We do have a dead end situation at the south end of our parking lot.

If we were to provide for a circular flow where we did not have a dead end situation we would end up losing four to five parking spaces. We would have to relocate our dumpster. That would be located along our westerly property line as it was in our original application and we would lose those two parking spaces as well as the two parking spaces that are located at the south end of the driveway as well.

And I say a possibility of five spaces because we have parking spaces presently that are in a tandem situation and what we are looking to do is maintain those parking spaces for the professional use within the animal hospital. The doctor and the nurses would be able to use the two interior spaces and we would still have for staff members the parking on the outer two spaces. This was discussed with my client and the situation is that once they are there during the day, they very seldom leave the site until the end of the day and in order to get the additional spaces, that's why we are proposing a tandem situation.

RUTHERFORD: Obviously there are many ways the site could have been laid out in terms of the circulation pattern but in this particular case a decision was made that the advantages to be gained from additional parking for the retail and residential uses proposed offset any disadvantage resulting from the fact that the circulation pattern is no longer a circle.

EICHENLAUB: Ideally you would like to see a circular situation where you don't have those dead ends but as I indicated, if we do provide for that circular situation, we are seeking a variance for five parking spaces now, that variance would increase.

RUTHERFORD: And we have also shown a proposed exercise area for the dogs in the veterinary hospital and that is between the dumpster and the two spaces on the north end of the property.

EICHENLAUB: That is correct. It is located outside of the 25' "no disturbance area" and is located between our dumpster and the rear parking stalls.

RUTHERFORD: What other factors went into the plan as it relates to the location of the dumpster and specifically I am suggesting that the dumpster is now no longer on the west property line but further removed from the neighbor to the west, more towards the interior of the property. Was that also part of the thinking?

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EICHENLAUB: It is but we also had to look at how we could accommodate a vehicle coming in to pick up the refuse and in order to do that and at the same time, we took into consideration the need for a loading space as well. To provide for both of those we felt that this was the best location.

RUTHERFORD: We'll talk more about the dumpster...we want to leave time for Ms. Mancuso's memo later. For the moment this covers the circulation pattern. You did a parking calculation, did you not?

EICHENLAUB: We did.

RUTHERFORD: And that's based upon the floor area of the building as far as the first floor is concerned and the quality and type of units on the second and third floor, is that right?

EICHENLAUB: That is correct. We broke it down into medical for the animal hospital, we've got retail on the first floor as well and we've got residential on both the second and third floor. Those apartments are a combination of one and two bedroom units and depending on whether it is a one or two bedroom, the parking requirements for those units are different.

RUTHERFORD: So in this case you calculated eight one-bedroom units, is that right?

EICHENLAUB: That is correct.

RUTHERFORD: And you applied the RSIS standards with respect to the required number of parking spaces per unit. And you have 14 units, which are a combination of the two bedroom units as well as the one bedroom unit with the den, which we will hear testimony from the architect about.

EICHENLAUB: Correct.

RUTHERFORD: But you have included the one bedroom unit with the den ... and considered in your calculations as a two bedroom unit requiring two spaces for that unit.

EICHENLAUB: We used a number of 14 for the two bedroom and 8 for the one bedroom.

RUTHERFORD: Somewhat of a conservative analysis in that the one bedroom with the den will be allocated two parking spaces for that unit.

EICHENLAUB: Yes.

RUTHERFORD: And then you applied the ordinance provisions with respect to the square footage for the other uses in the NBD zone and you also applied the credit, or reduction if you will, that provided in the ordinance for shared parking.

EICHENLAUB: That is correct.

RUTHERFORD: So how many spaces did you calculate are required for this building?

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EICHENLAUB: Well if we go through our calculations for the medical or veterinary space, you've got 4,614 sq ft. We require one space for every 325 sq ft, which requires 15 spaces.

With regard to the retail and there are three retail spaces proposed for the first floor, that amounts to 5,652 sq ft and we require one space for every 300 sq ft of retail space. This translates to 19 spaces required.

When you go to the second and third floor, the eight one bedroom units require 15 spaces and that is based on 1.8 spaces per unit and the two bedroom units require two spaces per unit for a total of 28 spaces.

If you add those all up you come up with 77 spaces needed. If we apply the reduction factor of 25%, we come up with a total of 57.75, rounding up we require 58 spaces.

I believe that on our plans we show 57. The reason we came up with 57 is one of our numbers was a very small fraction and we rounded down and my understanding is we have to round everything up...any fraction has to be rounded up so we require 58 spaces.

RUTHERFORD: So there's a five space variance here, which our planner will address.

EICHENLAUB: Right. We are proposing 53 spaces.

RUTHERFORD: And that includes the tandem and you have offered testimony on how they are going to work that out and if the Board pleases, we can certainly offer testimony from Dr. Mandarino as well and how her office actually works and how her employees come and go.

EICHENLAUB: And that also includes three handicapped spaces located in the back of the building.

RUTHERFORD: And just in general terms, the width of the drive aisles and the dimensions of the spaces all comply with the design standards of the Park Ridge ordinance.

EICHENLAUB: All of our driveways are 24' wide...the parking stalls themselves are 9x18.

RUTHERFORD: And that also includes the parallel spaces in the...

EICHENLAUB: The parallel spaces are longer to accommodate the fact that they are parallel.

RUTHERFORD: You mentioned the dumpster location a moment ago and I know one of the issues in Ms. Mancuso's report was the visibility of the dumpster from Park Avenue. Can you comment on how you show the dumpster as being screened and what could possibly be done to address those concerns?

EICHENLAUB: Well, there is screening on all three sides ...two sides and the rear of the dumpster. There is landscaping along the service aisle, which services that dumpster. Yes, as one does come into the site and proceeds in a southerly direction to the back of the site you will see the front gates of the dumpster. It is enclosed with gates and those gates will be closed at all times.

RUTHERFORD: What is the approximate length of what you just described as the service aisle?

EICHENLAUB: That is approximately 40'.

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RUTHERFORD: And that is sufficient room for a truck to back in there...essentially totally out of the drive aisle.

EICHENLAUB: It will allow a truck to back in and back load the dumpster or to be front loaded as well and once they have loaded the refuse into the truck they would back out, make a K-turn and proceed out. They will not have to back out of the site. That is why we show that larger radii on the curve to allow that maneuver by the trucks, the garbage trucks.

RUTHERFORD: And that truck can access that space, as far as you're concerned, without being impeded by other cars parked there. It will kind of come in and do its own thing and leave.

EICHENLAUB: That's correct.

RUTHERFORD: And the other question about the dumpster location, is that dumpster area sized sufficiently, in your estimation, to meet the needs of this building?

EICHENLAUB: Yes.

RUTHERFORD: Including the needs of the animal hospital and recycling and those other things?

EICHENLAUB: Yes. It is a large dumpster pad.

There was also an issue or a question Ms. Mancuso had with regard to combining both the dumpster area along with a loading space. We anticipated that the refuse would be picked up at an earlier period of the day, morning hours, a.m. hours before the majority of the stores as well as the animal hospital was opened. So the rest of the day that area would be available and simply left empty. So in order to get and satisfy a location for a loading space, we have proposed that area for our loading space.

Again, it is not anticipated that we are going to have tractor-trailers to the site. Most of the vehicles making deliveries to the site would be a tandem type vehicle.

RUTHERFORD: Why don't we move over to, unless there is something more on this, we can go to the grading and drainage plan?

EICHENLAUB: Ok, it's one and the same. Everything is on this one plan.

RUTHERFORD: Ok, I guess I got confused on this. Ok, talk a little bit about the drainage structures that are proposed here.

EICHENLAUB: As I indicated earlier, the drainage on site presently is from a high point along Park Avenue with both lots draining in a southerly direction towards the south property line and eventually into an easterly direction into the Pascack Brook.

We are looking to maintain that same drainage pattern. The difference being here is that our parking lot will be fully curbed so all of that drainage from our site will be intercepted and prevented from freely running off of the site and will be directed into a series of catch basins located to the back of the site within the parking lot.

We are proposing three catch basins and they are interconnected with a series of pipes. Those series of pipes will run out and convey the drainage to the back of the site into a large stone swale that we have

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located at the south end of the property, just beyond the end of our parking lot, from there it will be discharged into the riprap system in that swale and conveyed and allowed to discharge into the Pascack Brook. We do have a water quality system to filter out solids such as salts and sand that may be used on the parking lot and again any debris that may be picked up within the basins themselves...the basins that are the series of drainage pipes will be routed through that water quality structure and be picked up before it discharges into our swale and eventually gets into the brook.

Although not needed, we are not increasing the amount of impervious area to the point where we would need this or we're not disturbing the site to the point where we would need this. We are proposing this as a betterment to the situation that presently exists on site.

RUTHERFORD: Can you comment on the effect, if any, this will have on drainage with respect to the synagogue located to the west?

EICHENLAUB: As I indicated, the synagogue is in the same situation we are, everything drains from a high point at Park Avenue...their drainage is down their driveway, which is located to the east side of their building...their back parking lot, in fact, the entire back lot of their site is paved area and that all drains back to this southeast corner of their site.

Presently during heavy rains or even during snow melts, you'll see a large ponding area in that area because although it eventually does drain through the organics and decomposed leaves and branches and everything that is in this back area, it takes some time. What we're looking to do is make such improvements that will allow that to drain freely where they don't get that occasional flooding of that back parking lot.

RUTHERFORD: And you testified a moment ago that the rear parking area of our property is going to be totally curbed, so there will be no possibility of drainage from our property crossing over to the property in the west...it is all going to be channeled to the south side into that drainage swale that you testified to.

EICHENLAUB: Correct. The only area that is not being drained directly into our parking lot is a five foot landscaped strip between what is our proposed building and our parking lot and the edge of the temple's paved lot itself. There is that five foot strip, which is going to be landscaped and anything that doesn't seep into the ground may drain into the parking lot but it is minimal at most.

RUTHERFORD: And we also proposed seepage pits in the rear of the building to the roof leaders.

EICHENLAUB: Correct. Although they are not required and we are not increasing the runoff from the site, we are providing for a seepage system at the back of the building to handle the runoff from the roof itself, which with the present buildings is allowed to discharge at the base of their buildings now and runoff freely. That will all be collected. So in a sense we are reducing, considerably, the amount of runoff from the site as well.

RUTHERFORD: Anything else on this particular plan before we move on to lighting and landscaping?

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EICHENLAUB: No, that is pretty much it. Circulation around the building, as I indicated, there are two ways of entering the building...there is the entrance across the back of the building, which are underneath the second floor under-hang...we are providing for entrances into all three of the commercial units as well as a centrally located corridor, which connects both the back of the building to the front of the building and there will be access off of that to the animal hospital and the stairwell and elevator to service the second and third floors.

The sidewalk itself wraps and continues up the easterly side of the building onto the public walkway fronting on Park Avenue. One would take that public walkway and they can enter either the main corridor into the building to get to the apartments on the second and third floor or they can go directly into one of the entrances into the commercial stores or into the animal hospital itself.

RUTHERFORD: One more note on the front yard setback...the plans show a proposed road widening easement to the County of Bergen, 8" in width...is that right?

EICHENLAUB: That's correct.

RUTHERFORD: And that will run from the existing property line and you have shown that on the plans.

EICHENLAUB: That's correct. As I indicated, presently the Park Avenue r-o-w is 50'...the County under the original application would like to make that 66'...in order to get that they would need to take a minimum of 8' from us and at a future time 8' from the opposite side of Park Avenue to obtain that 66'.

In order for them to take the 8' on our side, we would have to grant them an easement, which basically brings us up to the extension of the second floor bay window.

RUTHERFORD: I know you said this earlier but just to be clear...the front wall of the building is now proposed to be 10' from the front lot line, the bay windows on the second and third floors are 8'...is that correct?

EICHENLAUB: Well, the areas where we've got the bay windows and they are clearly marked with the extension out away from the building...extend out 2' but the rest of the second floor lines up with the first floor below.

RUTHERFORD: Which is 10'.

EICHENLAUB: So it is just that the bay windows where we've got that extension out into that setback.

RUTHERFORD: Ok, when we get to Ms. Bogart's memo, I believe one of the issues has to do with how the setback is measured, so we'll get to that in a minute.

RUPP: I don't want to interrupt but did you say that was shown on the plans?

EICHENLAUB: The bay windows?

RUPP: No, the easement.

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RUTHERFORD: I believe it is. You know, Mr. Rupp, it is on the Existing Conditions Plan.

EICHENLAUB: We show it on the Existing Conditions map. We should and we will show it on that map, Sheet 3 as well, but it got a little crowded...we will show it and you can see the relationship between that line and the building itself.

RUTHERFORD: Let's talk a little bit about the lighting and the landscaping.

EICHENLAUB: Before I leave this map, we are providing for improvements along Park Avenue, basically the same improvements we were proposing under the original application that we had before the Board, where we had new sidewalks going in, we've got a brick paver strip between the sidewalk and the curb and the County, under the original application, requested drainage improvements along Park Avenue...anybody familiar with the area knows that there is flooding that occurs right in front of what is now the post office parking lot on Park Avenue and that will be eliminated through the installation and construction of a new inlet, actually two new inlets and a new pipe, which will convey that water to the Pascack Brook.

So there are, although minimal, there are some off-site improvements being made.

RUTHERFORD: Ok, then we will go to lighting and landscaping.

EICHENLAUB: We will refer to Sheet 4 of 6 is just a repeat of what is shown on Sheet 3 of 6...this is a Soil Erosion plan where it shows all of the necessary soil erosion measures that we have to provide on-site to satisfy Bergen County Soil Conservation and requirements by the State. That is what's shown on this plan.

The Lighting and Landscaping Plan is Sheet 5 of 6...there is quite an extensive amount of landscaping being proposed to the site. We are providing for landscaping along that 5' strip between our parking lot and the building and our neighbors to the west, which is the temple, similar to what we were proposing under the original application.

We've got more landscaping across the back of the parking lot. We've got screening around the dumpster pad and we also have a row of plantings between the easterly curb line and the top of bank of the Pascack Brook.

We also have an extensive amount of landscaping across the front of the building and within that northeast corner of the site where we are looking to remove existing pavement and make improvements there...that will include our identification sign for the veterinary hospital. We have also provided for the park bench that was requested under the original application. This particular location is just in front of the building along the public walkway.

One of the concerns the Board Planner had was that we should revisit some of these plantings in the sense that because the front of the building is on the north side, it is thought that we should provide for plantings that are more tolerant to shade and as I indicated to Ms. Bogart at the time of our meeting, that we would look at that and accommodate that if we could.

One of the other issues was the paver strip that was being proposed between the curb and sidewalk...at present we are proposing a 2 ½' planter strip, which is about what is located throughout the town but what has been found is that the planting of any shade trees within a paver area of that narrowness cannot accommodate the 2 ½" to 3" caliper tree because the root ball is too large. So we have agreed that we

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would look at and expand the width of that paver strip to accommodate the greater caliper trees.

We are also providing four decorative street lanterns for lighting along Park Avenue. Three directly in front of the building and one located between our driveway and the bridge crossing over the Pascack Brook.

RUTHERFORD: You've shown a detail of those lighting fixtures as well.

EICHENLAUB: And it is shown on this drawing as well. It is the typical lantern street light found throughout the town.

RUTHERFORD: And the other lighting fixtures are shown on the plan.

EICHENLAUB: The other lighting fixtures we have provided for because we get a greater coverage...we are proposing a shoe-box style lighting for the back of the property along the driveway, which will give us greater illumination for our parking lot, greater coverage, lesser fixtures.

The entire parking lot is well lit and we anticipated, because we've got residential on the second and third floor, that the majority of these lights will be placed on timers at least until 11:00pm.

RUTHERFORD: And that detail is shown in the lower left portion of the plan.

EICHENLAUB: That's correct.

RUTHERFORD: And they have been chosen because they provide a more uniform level of light and perhaps more appropriate for a parking area that's more of a functional or utilitarian feature.

EICHENLAUB: Right. Otherwise we would need many more of these decorative lantern style to achieve coverage. These are not that tall, they are only 12' in height.

RUTHERFORD: And it's a shoe-box type fixture where the light is cast down.

EICHENLAUB: Cast down to the pavement, not cast out.

RUTHERFORD: Just show the Board where those fixtures are intended to be located.

EICHENLAUB: We've got three fixtures along the westerly property line, a minimum of one of which will have a house shield on it to protect from spillage onto the adjacent property. We have a double-headed fixture to illuminate the center of the parking area. We have a fixture located in the southeast corner of the parking lot, one along the easterly parking stall and two located along the driveway entrance, one closer to the entrance on Park Avenue to illuminate that entrance and exit from the site.

RUTHERFORD: Anything else on lighting and landscaping?

EICHENLAUB: We've also provided for additional landscaping within this *no disturbance* zone. It is something we had shown on the previous application. It did go down to the State, was reviewed by them and they didn't seem to have a problem with it, in fact, we added a couple extra trees at the Board's request prior to the last meeting in last May.

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RUTHERFORD: And we'll address the specific comments in a moment in the reports of the Board's professionals.

If you could flip back to the Existing Conditions just to clean up one issue...in addition to the 8' road widening easement there is also an easement being given to the county relating to the bridge...is that right?

EICHENLAUB: Yes, they had requested an easement in this area here so they can have access to the brook if they ever have to for cleaning purposes. And we agreed to do that. This gives them the right to come onto our property and go down to the brook.

RUTHERFORD: And if we could go back then to the Site Plan itself so we can review the variances that are required and based upon the plan in its present form and you have indicated those in the right hand corner, right?

EICHENLAUB: Yes, we have listed the variances that we feel exist as a result of our proposal under notes 30 and 31.

RUTHERFORD: And the first one is the front yard setback variance and Ms. Bogart points out that the setback is being measured from the road widening easement, which in this case means the building is 2' off the edge of the road widening easement...is that correct?

EICHENLAUB: That's correct. In other words from the front foundation we would actually have 2'...if it is measured from the easement it would have 2'.

RUTHERFORD: The height of the building is also a variance and we don't have to go through the details right now but you have calculated the height in accordance with the provisions of the ordinance in Park Ridge.

EICHENLAUB: Right. Let me explain what we did. We show here on our plan a height of 40.97' and that is when we were looking to utilize the bonuses available to us within this zone. Being that we were merging these two lots we ended up with a project of one lot in excess of 50,000 sq ft. Under the original application we maintained two separate lots, both lots well under the 50,000 sq ft so we were not entitled to any bonuses back then.

In our initial review we were looking to obtain those bonuses, both for the building height as well as gross floor area ratio. What that did is push us into a situation where we would have required a 30' side yard off of our property line. If we do not seek those bonuses we are permitted to have a minimum of 0 side yard. We are proposing the 5' as we had under our original application.

RUTHERFORD: So the height was calculated in accordance with the ordinance and the height calculation reflects, to some extent, the topography of the lot, does it not?

EICHENLAUB: Right. What we were required to do is determine the average proposed grade at the building utilizing the corners and the mid-point of each of these four walls of the building. We came up with an average grade. That average grade to roof surface is required to be 35' or less. We had taken it to the top of the parapet because we were going for the 40', which the top of the parapet puts us at 44.97'...if we simply take it to and utilize a 35' building height to the top of the roof surface, we would require a variance for 37.97'. Three feet less but it would still be over 35'.

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RUTHERFORD: Consistent with the opening statement, your position is that we may still need a height variance but it would be less than the 10% that is permitted.

EICHENLAUB: Right. 10% would put us up at 38 ½', we are under that.

RUTHERFORD: And when we get the testimony from the architect we will talk about what the actual height of the building is as it appears from Park Avenue, to the passerby as opposed to what the height is as calculated pursuant to the ordinance.

Next variance that you have there?

EICHENLAUB: The next variance would be the side yard setback, which at this particular point, we are not applying for that any longer. We covered the maximum building height, the landscape buffer along the public r-o-w...because of the situation with our walkway, right now the walkway as proposed extends beyond that front property line, actually into the easement area. So that walkway is already into our property in order to achieve a 5' walkway, it already extends into our site. So we can't achieve the full width of the landscaping that is requested for the zone, so we need a variance on that.

We've got interior parking landscape area and in order to achieve the number of parking spaces we will need or come close to what we need, the ordinance calls for a landscaped area for every 10 parking spaces. We basically have provided for one but we haven't provided for the necessary number that would be required for the number of parking spaces and we are asking for a variance on that.

To provide for that landscaping we would basically be eliminating another three spaces.

RUTHERFORD: Outdoor fixtures...you discussed that and that the plan calls for some of the shoe-box fixtures in the rear not the decorative fixtures.

EICHENLAUB: We're calling for shoe-box, that's correct. We don't have the decorative lanterns throughout our parking lot.

RUTHERFORD: You discussed the number of parking spaces before and in related to parking is the variance for the parking in the side yard...it's obvious where it is, but just identify it.

EICHENLAUB: It is located along the easterly side of our driveway. What that means is not that we're in the required setback but we're in the actual side yard and within the NBD zone we're not allowed to park in the front yard or side yard.

RUTHERFORD: And that is roughly five spaces in that location?

EICHENLAUB: That's correct.

RUTHERFORD: Next variance is accessory structures within 8' of the side or rear yard. This is not a structure in the sense of a building, it has to do with the retaining wall that you are proposing along the west side of the property, is that correct?

EICHENLAUB: Yes. In order to make up the differential grades and we are raising the back area of the site to accommodate our improvements,

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we require a retaining wall. We are within 5' and are required to be 8' off the property line. That is why we are asking for that.

RUTHERFORD: And the geometry in that portion of the property is a function of complying with the ordinances that relate to parking lot length and drive aisle width, is that correct? It is partially why that wall is where it is.

EICHENLAUB: Right, if we were able to grade off we would actually be well into the site.

RUTHERFORD: And the waiver request was a request from the requirement to permit a 500' drainage study. Why do you think that is not needed in this particular case?

EICHENLAUB: From our site we are not adding to any of the drainage off-site. We are not impacting any infrastructure off-site. Everything is contained on site so we are not impacting any of those. None of the drainage outside of our site contributes to drainage within our site.

RUTHERFORD: What I would like to do then, with the Board's permission, is run quickly through the comments in the reports of your professionals that we have not previously addressed and we will try to do that as expeditiously as possible. We have marked this in our Exhibit list as A-4. It is a three-page memo dated January 9, 2013. I think we can go right away to Item 5, which has a general comment about the number of inlets and the potential for timing. You could certainly relocate inlets or install additional inlets as may be required, you have no problem with that?

EICHENLAUB: I have no problem with that.

RUPP: Just for the sake of following along with the testimony, even if it is redundant, can we go with paragraph 1...

RUTHERFORD: Absolutely. We will start at the top then.

Ms. Mancuso's first comment relates to the Pascack Brook and the fact that it is a Category 1 stream and the issues with respect to vegetated buffer...is there any comment there or any issue that would present for us?

EICHENLAUB: In reading through that I find that to be a direct comment with respect to just enlighten the Board to what the situation is. Ms. Mancuso has indicated that because we are not disturbing an acre of property or we're not increasing the impervious area by a 1/4 acre or more that the best management practices are applicable to this site, which I had indicated earlier. That being said, although we don't exceed that threshold, we are providing for a water quality system on site as a betterment in our improvements. It could only help and it can't hurt, it can only help. So we are providing for that.

It goes on to state about the 25' vegetated buffer. As I indicated we are maintaining at the back-half of the site, which is naturally vegetated now, we're looking to maintain that and not looking to disturb any of that. So where the 25' buffer exists it will be maintained.

RUTHERFORD: And the last sentence of Item 1, does relate to the pedestrian walk, also an issue raised by Ms. Bogart. The reason why we are not proposing a pedestrian walk is essentially that the pavement we are proposing goes to the top of the bank, is that correct? So there is no

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sufficient room for any pedestrian walk and any pedestrian walk would be in the bank of the brook, is that right?

EICHENLAUB: Well, a portion of it would have to extend into the top of the bank. At the north end of our parallel parking in here, we don't have sufficient room from the top of the bank to get that walkway in...the initial walkway we are talking about, under the original application, was approximately an 8' paved walkway.

RUTHERFORD: And while we are on the subject of the walkway, just comment briefly, if you could, with respect to the topographical conditions at the southerly end of the property, that if there were room for a walkway, what issues does the southerly end of the property present as far as extending that walkway onto the adjoining property to the south?

EICHENLAUB: The same situation under this proposal as it existed under the original proposal and at the south end we cannot block off this swale. We have to maintain the swale for drainage purpose for our site as well as the temple to the west of us and basically that walkway would come to a dead end. The athletic field of the high school is located at an elevation approximately 2' higher than the back of our property and there is a retaining wall along that stretch from the back of our property on the high school property.

RUTHERFORD: So there are some issues there in terms of making it useful and connecting to it.

EICHENLAUB: If it was ever connected between our property and the ball fields there would have to be a means of crossing that drainage swale and elevating the grade from the lower walk on our side to the higher walk on the athletic field side.

RUTHERFORD: And that implicates, I am going to guess, DEP issues as well.

Item 2 refers to the parking circulation plan that you testified to earlier, is that correct?

EICHENLAUB: It does.

RUTHERFORD: I don't think we have to add too much to that. You indicated the reasons why this particular circulation plan was proposed.

EICHENLAUB: Correct and I indicated that if it came down to it and we had to implement that and put in a circulation where there were no dead ends, we would lose 4 to 5 spaces.

RUTHERFORD: And also involves more impervious coverage.

EICHENLAUB: There would be more impervious coverage, correct.

RUTHERFORD: That figure would go up. This is more efficient as opposed to a circular. Efficient in the sense of the use of impervious area.

EICHENLAUB: This proposal provides less impervious, more green.

RUTHERFORD: You testified to the five parallel parking spaces along the east side a few moments ago. Maybe you could comment to Ms. Mancuso's comments on that.

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EICHENLAUB: In order to utilize those five spaces, it would be for vehicles leaving the site. They would parallel park in their vehicle so they would have to be driving in a northerly direction to parallel park because they are not going to cross over and parallel park within the exit driveway. So it would be exiting traffic coming in and coming out and utilizing these from interior. Circulate from the interior and come back out onto Park Avenue to utilize those parallel spaces.

RUTHERFORD: So far we have not discussed any restriction on the use of those spaces or designated those spaces.

EICHENLAUB: No.

RUTHERFORD: Item 4, spaces adjacent to the dumpster enclosure you addressed and they are dedicated to the use of the Park Ride Animal Hospital.

EICHENLAUB: They are.

RUTHERFORD: And the proposal would be that the use of those spaces can be coordinated among the staff and employees of the animal hospital.

EICHENLAUB: Yes.

RUTHERFORD: Item 5 talks about the possible need for relocation of inlets and additional inlets and we can certainly comply and meet Ms. Mancuso's concerns.

EICHENLAUB: We can. The final drainage configuration will be certainly reviewed with Ms. Mancuso and will receive her blessing.

RUTHERFORD: Item 6 relates to the existing drainage pattern along the west property line and the need to maintain that. I think you have addressed that but perhaps you could revisit that issue in the direct context of Item 6.

EICHENLAUB: The swale we are talking about is a swale across the back of the property and there is a swale, if you want to call it that that allows for the drainage of the temple property across the back of these properties. That will just simply be cleaned out. It will be deepened to allow that water to freely run off of the temple property and down that swale. The riprap configuration is such as to minimize the velocity of flow through that swale to minimize and eliminate erosion along the top of bank along the Pascack Brook.

RUTHERFORD: So in your estimation, there will be no significant adverse impact upon drainage conditions to the property to the west and if, anything, it is going to be better.

EICHENLAUB: It will be a big time improvement.

RUTHERFORD: Item 7 relates to the drainage calculations that you've provided, which are acceptable.

Item 8 speaks to four seepage pits are proposed and you testified to those earlier. Soil (? – coughing)...we can certainly do that. Ordinarily it might be done as a condition of approval but are you able to offer anything based on your knowledge of soil conditions on this property or properties in the immediate vicinity?

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EICHENLAUB: We have put seepage pits in along this stretch in the past. I believe we are high enough on the property above the Pascack Brook, where a water table condition should not be a problem within our seepage system. What we will do, is we will do a soil log, we will do a soil excavation to a depth of 12' and we will take a soil sample and have a permeability test run on that soil sample to determine at what rate the soils accept those flows. Now this system has been designed for volume, it hasn't taken into account percolation yet. So, if anything, we have an oversized system meaning that we have a storm, the storm is going to hold the full volume of flow off the top of that roof within the system itself, not taking into consideration permeability. So, again that's an added safety factor.

RUTHERFORD: Item 9 talks about the designated dog walking area and a concern about its accessibility...maybe you can comment on what factors were considered when locating that area.

EICHENLAUB: We envision them coming out of the veterinary hospital and coming back down the parking lot here and cutting through to this area here into that area or they could simply walk down in this buffer area, which again we are proposing for additional landscaping area as well. There is not direct sidewalk. We are not looking to create an impervious surface to get back there off of the parking lot; it would simply be coming off of the parking lot itself into that area.

RUTHERFORD: Item 11..talks about a fence and asks whether a fence is proposed along the top of the bank.

EICHENLAUB: We had not proposed a fence along the top of bank and we had none in the original application. A fence along the top of that bank would have to be approved by the State.

RUTHERFORD: Item 11..talks about the manner in which you have calculated parking, which we discussed earlier as well as the reduction you have taken of 25%.

Mr. Rupp, our planner, I believe will testify and offer further testimony about the parking variance.

Three handicapped stalls, we can certainly comply with that.

Item 12 ..all walks should be detailed...I will pull back from that.

EICHENLAUB: There will be handicapped ramps off of the side aisles of the parking stalls and they are dropped curbs and have to meet code. That will be provided. We do provide for the width of the sidewalks. Basically the narrowest point is where our columns come down supporting the second and third floor load over that extension over the first floor. We do provide for the width of the sidewalks in that area. We provide for the width of the sidewalks at the elevated walkway across the back of the building and we also provide for the width of the sidewalk along the east side of the building.

RUTHERFORD: The sight distance lines, Item 14, should be added and that that can be done?

EICHENLAUB: Yes, we already have that. I apologize, that layer may have been turned off when it was printed but we do have that information already.

RUTHERFORD: Item 15 talks about the dumpster. I think we did address the issue, at least you did. You may want to do further

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testimony on that but you did address the visibility and discussed the landscaping and the reason why the dumpster location had been chosen.

EICHENLAUB: Correct.

RUTHERFORD: Item 16...the loading space and I think you did address that but revisit this issue in the direct context of Item 16.

EICHENLAUB: With regard to the possibility of a conflict existing between a refuse truck coming and picking up the garbage and the availability of this space to be utilized by a delivery truck, we envisioned that any refuse pickup would be in the morning hours, the a.m. hours and any delivery truck would be after, at a minimum, of 10:00am. After that area was used by refuse trucks. I don't see any conflict.

RUTHERFORD: Item 17 relates to Park Ridge's standard streetscaping improvements and I think you have address that and we are intending to comply with those to the greatest extent we can, given the availability space.

EICHENLAUB: Correct. As I indicated we do have to provide for an additional paver width there which will slide that sidewalk in a little bit as well. We have to look at how much landscaping we are going to either lose or gain by doing that.

RUPP: What happens if the County widens the road?

EICHENLAUB: If they widen the road...under the original application that was a question brought up to them and they did not anticipate a widening because of the bridge condition over the Pascack Brook...in order for them to widen Park Avenue they'd have to widen at the bridge as well. Question of whether or not they would widen just to accommodate a parking lane that was not their intention at this time. They weren't requesting that from us as well. It is just to put in their back pocket to have in the event anything is done in the future.

RUTHERFORD: Item 18 relates to lighting...the need for additional lighting levels at the intersection of the access drive with Park Avenue and we can certainly do that. I think you testified briefly about the hours of operation earlier.

EICHENLAUB: Yes, because we have the residential situation on the second and third floors the back parking lot would be on timers and at a minimum they would stay on until 11:00pm. Of course we would keep the lights on the building for security purposes on throughout the night.

RUTHERFORD: Item 19 talks about aligning the sign and sight distances, maybe you can comment on the sign and the impact on sight distances.

EICHENLAUB: The monument sign is located on the east side of the exit drive. It is set far enough back that our line of sight is beyond that so it does not impact our line of sight and I also believe we have provided for a detail of the sign on Sheet 6 of 6.

RUTHERFORD: Item 10...soil moving calculations; we can certainly file an amended soil moving application with those exact figures.

Item 21..is simply a note, as we indicated, that we will need approvals ...

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EICHENALUB: All three of those agencies will be applied to.

RUTHEFORD: If the Board permits I would like to go through Ms. Bogart's memo, which we have marked as Exhibit A-5 and is dated January 18, 2013 and is a six page memo.

We will start on Item 2A on page 2...proposed uses indicating that our uses are indeed permitted...if the Board wishes, on Item 2A, a2 I can have Doctor Mandarino testify to compliance with retail sales associated with the veterinary hospital being not more than 20% of the total gross floor area of the hospital. We will certainly comply with that.

The front yard setback, Item 2B...we've mentioned that several times this evening and we are in a variance situation at the moment based upon the proposed road widening easement and the current setback of the building and Mr. Eichenlaub has testified today, that the line being shown as 8' off the property line are indeed on the second and third floor, not on the first floor.

EICHENLAUB: That is correct.

RUTHERFORD: And if there is any inconsistency there between the plans we can certainly address that.

Item C is the sidewalk and you talked about the width of the sidewalk along the front and side and the side sidewalk being partially due, at least, to the location of the brook and the required buffer and the bank. There was an item in 2C that talked about bollards or other means of protecting the building and we assume that certainly can be done.

EICHENLAUB: I am not sure it is necessary. From the face of building to the face of curb, we've got 5 ½' ... we do have the minimum of 5' for our sidewalk width and that is typical of most of the sidewalks around the buildings in town. It does not provide for any landscaping along that west side of the building. The only area we've got for landscaping is in this little indentation of the building here...we have provided for some landscaping in that area there and we also have, in that area, one of our light fixtures...that's the east side of the building.

RUTHERFORD: Item 2D, at the bottom of page 2 of Ms. Bogart's memo...those are architectural issues, which Mr. Vigona will more properly address.

BOGART: Could we just go back to Item C, the sidewalks for a second? I just want to clarify some issues. Generally speaking I have a concern with the width of the sidewalks all the way around this building. Starting along Park Avenue with regard to the setback, you now have a building that is 2' from the easement line and if the County were ever to come in and propose a parking lane, we don't even have enough room to open the front doors, never mind provide a full width sidewalk or an ADA compliant sidewalk.

My suggestion is that maybe you don't need to meet the full 10' setback requirement from the easement since that would put your building back 20' but I think you need to have enough room to provide an ADA compliant sidewalk, if that land were ever taken.

Going along the eastern side, I wasn't concerned about putting flowers there, I agree there is enough room that the easement will not hit the building in that area. My concern on the eastern side of the building is that there was that there was no area for landscaping except for the small portion, the insert that you mentioned but the architectural elevations that were submitted show shade trees and shrubbery along

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the entire façade and the reality is, that is not being provided here as your engineer testified to.

When I made the comment with regard to the bollards in 2C, I was really referring to the columns on the southern façade because you have vehicles that may overhang the parking spaces. Right now there is no vehicle stop/curb shown and there is probability a foot and half to the columns that are being proposed to hold up the second and third floors.

EICHENLAUB: One of the ways we could possibly accommodate that is the Code does allow for an extension and overhang...a reduction in the length of the parking stall could provide for a 2' over hang so we could pull that curb line so the south a little further and provide for that overhang, where the wheels would stop prior to not only the distance we've got now, which is 2' from the face of the curb to the column but it would provide an additional 2' if we reduced our length of the stall from 18' down to 16, 17'...it would give us that additional room, certainly enough for an overhang in front of the car.

BOGART: If you are going to reduce it, I think 17' would be the minimum.

EICHENLAUB: Right.

BOGART: I'm fine with that; I was just concerned that the vehicles could...

EICHENLAUB: Understood.

BOGART: The other issue with that curb line is I don't see a dropped curb...

EICHENLAUB: There will be. We need dropped curbs for the handicapped.

BOGART: Just in front of the handicapped?

EICHENLAUB: Well, in front of the access aisles themselves would be a dropped curb.

BOGART: Ok. Those were my issues with the sidewalk in general.

RUTHERFORD: With the Board's permission we will have the architect testify to these issues, they are certainly not site related.

Item 2E, talks about the circulation design, which I think we have already discussed and you've addressed the fact that relocating the dumpster puts it closer to adjoining properties and also results in the loss of a number of parking spaces.

EICHENLAUB: That is correct.

RUTHERFORD: Item 2F on page 3...speaks to design requirements and this has to do with the spacing of the street trees, which we can certainly comply with and I think we have already discussed the front yard setback...that issue has certainly been raised this evening in terms of additional space for the installation of those, perhaps you can comment on that.

EICHENLAUB: As I indicated, in order to accommodate the plantings of these trees and get the necessary caliper tree in that area between the curb and the sidewalk we've got to increase our paver strip and we've

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agreed to do that. Right now we've got, in front of our building, 3 shade trees...2 across the front of the building and one to the east of the driveway entrance. In order to provide for the 40' and possibly one more shade tree, we certainly can do that and that would put us closer to the 40' required spacing.

BOGART: I just want a further comment on that. I did have a conversation with Mr. Eichenlaub regarding that area and the planting of the shade trees and I had recommended installing tree grates in the areas where the shade trees will be placed to ensure we would have enough space and width to put the caliper size we are proposing and I wanted to make sure that the applicant had agreed to do that.

EICHENLAUB: I don't have a problem with that. I don't think that's a problem.

RUTHERFORD: Landscape Plan, Item 2D on page 3...some comments on Item I about the existing chain link fence?

EICHENLAUB: There is a chain link fence that presently exists in this area here and I've got to go back and look but I believe we agreed we were going to provide for a new chain link fence under the original application, which we will continue to agree to install and that would be located from the end of the bridge walkway and prevent anybody from walking off the sidewalk and walking onto that steep slope area. So we will provide for that and provide a new chain link fence in that area.

RUTHERFORD: Construction details and tree protection for existing trees we can certainly do.

EICHENLAUB: We do have a detail of that on the plan, we just don't have that particular tree highlighted, which we will do.

RUTHERFORD: Item 3 talks about planting along the southern edge of the property along the stone swale and is there any reason why that could not be done?

EICHENLAUB: No, this was a request under the original application providing for some landscaping and some vegetation within that swale and we did agree at that time we would provide it and there is no reason why we can't provide it under this application as well.

RUPP: It is not shown on the current map?

EICHENLAUB: It is now shown on the current plan but will be.

RUTHERFORD: Item 4 talks about the choice of different types of plantings and we can certainly work with Ms. Bogart and satisfy her concerns.

EICHENLAUB: Correct. We are providing for plantings, she is just suggesting some different plantings.

RUTHERFORD: We can show where lawn areas will be and identify whether it will be seeded or sodded?

EICHENLAUB: Correct.

RUTHERFORD: Where are those lawn areas?

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EICHENLAUB: There is really minimal lawn area. There is a little bit of lawn area in this east corner here and again, although this is natural vegetation, there will be some lawn area back in this area around the dog walk area. For the most part, in this 25' buffer it would just be left natural.

BOGART: Can we just delineate the area where you are providing...

EICHENLAUB & RUTHERFORD: Sure, we can do that.

RUTHERFORD: Item 6 relates to the irrigation system.

EICHENLAUB: We will put a note on there...in the NBD zone it is required that a drip system or some sort of irrigation system be provided for the landscaping. We do not have a note on the plan but a note will be added.

RUTHERFORD: Item 7 talks about the choice of trees...other than the Bradford Pear, we can certainly do that.

EICHENLAUB: I have no problem with that.

RUTHERFORD: Item H is also a landscape related item in terms of intermingling other types of evergreens along the property line and we can certainly do that.

EICHENLAUB: Yes.

RUTHERFORD: Item I, bike rack...I am not sure we mentioned this specifically but on the Grading/Utilities Plan you have there, there is a bike rack shown.

EICHENLAUB: It is more or less shown as an old-fashioned or old style bike rack...the new bike racks are more U – shaped steel bollards that are installed in concrete and you simply chain or lock your bike off to that and those will be shown. We will provide a detail of that as well and I believe the concern here is do we have sufficient room for that and we will show that on the plan. We will show a blow-up area of that, the bike rack area.

RUTHERFORD: And that also refers to Ms. Bogart's comments before about the design and width of the sidewalk area.

Item J, you mentioned earlier and we discussed that previously about the green link and the impracticality of doing that in this particular case and some of the logistic issues it presents as well.

EICHENLAUB: That is correct. At this point, under what is being proposed now that is not something that can be provided for.

RUTHERFORD: Item K is parking and I think we have covered that pretty well too. Our planner will address parking variance issues as I indicated earlier. You've provided testimony about the tandem spaces, which testimony we may well supplement at a later time.

Item L talks about the Affordable Housing requirement of the ordinance. To the extent that Ms. Bogart is asking details about location, our planner will address those issues in Item L on page 5 of Ms. Bogart's report.

Item M, stone drainage swale...this again relates to the drainage swale in the southern part of the property and concerns a green swale as a natural rain garden...

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EICHENLAUB: That is what I just discussed. It is not shown on the plan but we did agree under the previous application that we will provide for that.

Item N ... the free-standing sign and the wall sign...there is a detail of the free-standing sign on the plan, is that correct?

EICHENLAUB: There is.

RUTHERFORD: To the extent that we need additional details on the plan, we will certainly do that.

I believe it is our intent, I know it is our intent and I believe it is our ability as well to comply with all signage requirements especially when we have a veterinary hospital and retail space. We discussed that yesterday and we are able and willing to comply.

EICHENLAUB: Yes.

RUTHERFORD: But we will certainly show whatever detail is needed to demonstrate that compliance.

The Zoning Chart we have been through several times already. We can move forward. The additional variance is the outdoor fixtures, the decorative fixtures in the rear you have addressed that issue as well. And the reason we chose the shoebox as opposed to the decorative fixtures in the rear

BOGART: Mr. Rutherford with regard to the decorative fixtures, I agree with the shoebox for that area. I think it makes a lot of sense. My suggestion is that maybe the applicant wants to look at providing the decorative fixtures along the side property line because it's visible from Park Avenue and for continuity purposes. I think that maybe appropriate.

RUTHERFORD: I am not sure that I can commit to that at this moment. I hear that and I understand that.

RUTHERFORD: The parking setback, not so much the parking setback but the location of the on the side yard, you addressed that earlier:

EICHENLAUB: Correct.

RUTHERFORD: In terms of criteria, statutory criteria for variance, our planner will request that. The only note I have on item #5 is that we have been able to eliminate we do not call for an impervious coverage variance or a parking setback variance per say those are features that I believe may have appeared on the prior plan but are no longer part of this plan. But we still require the parking setback. I think that is all that I would have. Oh, I'm sorry Mr. Eichenlaub, two more questions as long as we are going to report. We have also seen a report from the Park Ridge Water Department from January 8, 2013, it was marked exhibit A6, and you have seen also a report from the Borough of Park Ridge Fire agency, a plan review that is dated January 11, 2013, marked exhibit A7, do you see any issues there or anything with which we cannot comply

EICHENLAUB: Absolutely not, there are a number of the item that were brought up in the water department letter will be added to our plan as notes they specifically request certain valves, size pipes and service lines that will replace on our plan. Again, that will have to be

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coordinated with the Architect with regard to the man. With regard to the letter from the Fire Bureau, we have no problem. We actually agreed that we change the fire hydrant from the original application and we agreed to do the same under this application. And that will be shown on the plan.

RUPP: did you discuss what they are talking about on the divider at entrance

EICHENLAUB: That I am not sure, what they mean is that a lot of times you will have a raised divider at the entrance

RUPP: on the in and out

EICHENLAUB: Correct. We are not proposing that. There is not divider. I think what they were looking at to be honest with you is the striping we show here. That is all that is the striping. There is no divider.

BEER: They were not sure what the striping represented.

EICHENLAUB: Striping, that's it.

RUPP: When I looked at the plan, I wasn't quite sure what that line was.

SCHWAMB: We will have to have Mr. Eichenlaub back on that. That is all I would have for him at this time. But we do very much solicit comment and feedback in reaction to the Board. I don't know if Mr. Urdang wants to cross examine Mr. Eichenlaub and he is certainly subject to questions.

RUPP: As I understood, Mr. Urdang you would like an opportunity to cross examines Mr. Eichenlaub at the next meeting.

URDANG: Yes I would like to reserve that right to ask some questions, to clarify, and I do make this representation of this to Mr. Rupp and to the Board if I don't need further cross examination of Mr. Eichenlaub, I would inform both of you so it would not be necessary to bring them back. One of the things that I would request is the revised Planning and Zoning to be submitted I ask if Mr. Rutherford would voluntarily, at the request of the Board, furnish me with a copy of the revised plans and if the Board would request that any of the existing staff reports, professional reports and any subsequent reports, that I would be given a copy of that. I would appreciate that.

RUTHERFORD: We would certainly give Mr. Urdang a copy of the revised plans.

BEER: Mr. Rutherford, perhaps when you revise them you would put an extra copy and we will distribute it.

RUTHERFORD: That's fine.

URDANG: Thank you very much. With regard to the question, I don't know if the Board wants to go first or me go first. Could you describe the landscaping that is proposed between the subject property lines?

RUTHERFORD: I am going to look back again that is this five foot strip along the property line and I am going to refer to sheet 506. We do have landscaping up at this front which is basically landscaping for the front

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of the building, a weeping spruce in that area, there is a small Japanese maple in that area, there is some junipers in that area. Then on along the westerly side of the building, along that common property line, we have provided for Euonymus. And one of the reasons we have provided for that is that it is a hardy plant and given the fact that during snow removal there may be some snow that is pushed up into those plants, should the branches break on those plants they grow themselves back with no problem.

URDANG: This is part of the problem, the reason I am asking obviously the temple has a parking area that is part of this property, when you have a situation where you are not complying there is a short walk from the parking that you are providing what is there to that resist the temptation for people utilizing your facility to the temple parking area. Is there a sufficient barrier between our parking area, you don't show a fence you show a landscape area. Will the landscaping be sufficient to impede the flow of people from parking lot to yours?

RUTHERFORD: Well first of all, the grade differential is such that they cannot move from one parking lot to the other.

URDANG: Parking in our lot.

RUTERFORD: There is not access walkway or anything. Except for this area here, which is fully landscaped, there is a walkway at the west end of our building to the back there is not direct access so they can't get through there to get onto your property. The only possible access they would have is within this heavily landscaped area at the northwest corner of the parking lot. Again, we have got heavy landscape there.

URDANG: First of all I don't know why it would be limited to there. It would seem that in any point along your westerly line that unless there was something to impede it by they can park in our lot and just walk over to ours whether or not its walking to your parking area, people are resourceful and they would do something when there is lake of parking space. So what I am asking in essence is the landscaping that you are providing of the sufficient height and spacing to at least impede the temptation to cross, to park in our lot and to walk into your side.

RUTHERFORD: Well to answer that, yes and no. We have laid it out such that it is tight planting and these are small plants, but as they grow, you will not be able to get through here unless you start breaking down that landscaping. And then a portion from this point, midway back to the back of parking lot itself is a retaining wall, so they can't get over that. In order to get over that they would have to jump down or jump up onto that part, onto that retaining wall.

URDANG: For that time being I will accept that subject to our review. Thank you.

SCHWAMB: Ms. Mancuso, do you have any questions.

MANCUSO: Yes, Mr. Chairman. I can appreciate Mr. Eichelaub has gone over my letter in detail, but I would like to reiterate my concerns regarding the onsite circulation and in general the layout of the parking lot. I still have a concern about the inability to provide the walkway along the top of bank. Previously we where utilizing or reutilizing the existing pavement but rather than have parking there we actually had a walkway there. My second concern remains to be the dead end aisle not only the dead end aisle with the parking at the south end of the parking

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lot but dead end aisle that provides the access for the trash dumpster and the loading area. I have quite a bit concern for the five parallel parking stalls that are immediately east of the building. Anyone choosing to utilize these spaces which I believe many people would like to utilize them as they are in close proximity to the entrances of the building would have to make a u turn or a k turn on the property to physically park in these stalls. Once they are actually parked in the stalls, if they have a passenger that chooses to step out of the vehicle on the east side there is not sufficient buffer or a setback. That person potentially goes over the top of the bank and into the brook. My additional comments are regarding the stacked parking stalls. There aren't any approved site plan to my knowledge within the borough that has shown stacked parking stalls. I am not so sure that is something we would like to consider at this point. All of these concerns lead us to the conclusion that perhaps this site cannot accommodate the parking demands that is being suggested by this size of the building. I believe we have addressed the setbacks from the Bergen County easement sufficiently and I believe Ms. Bogart is going to continue to talk about the sidewalk widths around the perimeter as well as streetscape improvements along the frontage. My primary focus is the really on the onsite circulation or lack thereof and really the inability of this site to accommodate the parking that is needed for this size building. That is all I have.

SCHWAMB: Any other board member with any other comments.

MESIANO: It goes right along with Ms. Mancuso's comments. One thing I would like to mention that was in one of the reports was the lack of the green space that is required in parking lot if they where there you would lose three more parking spaces. Those are our parking spaces but, you took as relief in another way to take out the green spaces. If the green spaces where back would then be below the spaces. Just that alone to go along with what Eve said indicates to me the lack of circulation which indicate to me that building might be too aggressive for the site squeezing to much in causes all so many points not addressed in the proximity to the street if the easement comes by it will be two feet, that's now too close to the street. The lack of circulation has also caused as Eve pointed out by the fact that the development is so large that all of those reasons you gave every time you put in a feature which makes it in my opinion better with circulation as Eve pointed out. The building requires too much parking and any of those would make less parking a bigger barrier. I agree with Eve and just wanted to point that out.

EICHENLAUB: One of the things we have done and we tried to follow the approvals the board was willing to give us during the previous application and one of those was the fact that we had eliminated that interior landscaping within the parking lot. As I indicated, we did provide for the one, it is just how it worked out in this application because it is a little less than the nine feet required so we were not able to provide for that. In that respect it is no different than what we were looking to obtain in the way of approvals from the board in the last application.

MESIANO: Right and I understand that. It is looking at the overall combination of the lot. If it was just that one than the last application, it wasn't so much relief. There was actually circulation and all of those things. Not to address that in this one. The way I am looking at it right now in its piling a lot on.

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MITAL: I have the same concerns about the dead end arrangement of the lot and I think the comment made that the size of the building and the use is maybe too big because it's requiring more parking than we can really handle with this area. I agree with our engineer that the practicality of using those spots alongside the river to the east of the building, it just doesn't make any sense to me that you would come into the parking lot and then somehow turn around just to get to those five spots. But that's already been brought up, I wanted to bring up one other concern, in looking at the dumpster layout, if you have a front loading dumpster truck that you see comes in, and he comes in straight into this pad, the way the geometry is here, I don't see how he can back out and get into a k turn because there is no room for him to turn, his tires are going to but up against the curb along the riverside.

EICHENLAUB: Right that is why we planned this axel, what he can do is load this up, back out and then makes this turn here.

MITAL: Right, but if he is in how can he turn his wheels

EICHENLAUB: It would be a slow turn; it wouldn't be an instantaneous turn of the wheel. It would be a small maneuver back. We put a template on that and it does work.

MITAL: It just seems that unless I am not understanding the scale, to get his rear end in the direction he wants to go, is going to be tough. Especially if there is anybody in any of those spots behind him. I know you said they would be coming in early in the morning, but that is one concern. My other concern is been said before about the width of the sidewalk in the front of the building, I wanted to ask, you show I guess these are planters that come off the building.

EICHENLAUB: In between the sidewalks, right. The sidewalks provide access to the entries to the building. In between those on the public sidewalk there are planting areas.

MITAL: So what is the dimension from the curb to the planter?

EICHENLAUB: Is 7 1/2 feet. From the curb face is 8 feet.

MITAL: So 7 1/2 feet but two of those feet are going to be bricks.

EICHENLAUB: Two and a half of those feet are bricks, right.

MITAL: So how wide is the actual concrete sidewalk?

EICHENLAUB: Five feet

MITAL: You notice all the curbs, sidewalks; you don't use the brick area to walk on.

EICHENLAUB: Correct. That is an addition to the five foot concrete area and then the pavers.

MITAL: But I don't consider the pavers a walkable area. I'm just thinking of like strollers going back and forth. More concerned about not the people entering the building but going in front of the building.

EICHENLAUB: Right in here are pavers, from the pavers we have a public sidewalk that goes entire length, and then we have these areas,

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entries into the buildings that are additional sidewalks off of that public walkway.

MITAL: But the clear area is five feet.

EICHENLAUB: Correct. It is five feet of concrete.

MITAL: Can you just touch on the easement thing again? I was getting confused. The curb is going to stay where it is now.

EICHENLAUB: Yes. There is no proposal to change the curb line itself. Right now our property line is five feet off of that curb line. The new sidewalk that we are looking to install will actually extend into what is now our property, minus the easement to this point. The way we show it, we show it onto our property by approximately three feet. With the graphing of that easement, the sidewalk would fall within the easement area.

MITAL: The sidewalk and that paver area, everything.

EICHENLAUB: Right, everything would fall within the easement or right of way.

MITAL: If they every acted on these, we don't have room to put the building where we are putting it.

EICHENLAUB: It would cut into that landscape area.

SCHWAMB: How do you measure the forecast, whether they are going to do it or not do it, it varies from area to area.

EICHENLAUB: Under the original application, we basically reached an agreement last May, that was approved by the county and our building in that particular instance was located in the same distance off the property line as this is. Same ten foot setback from the property line. That question was presented to the county and Eric Kipsack who represents the county and who we met with had no problem with what we are proposing. There was not proposal to do any widening. There concern was the bridge itself.

SCHAMB: You felt that if they widened that they have to widen the bridge area too.

EICHENLAUB: More or less, yes.

MITAL: And that would work with the county and the state, the chance of them widening that substructure is bazillion to one.

EICHENLAUB: Right.

MITAL: I do have some questions about how aggressive the size of this building and I appreciate the parking flow, there is a very similar situation west, up on the corner, the high school. Same type of thing, how you are coming in, have the parallel parking on the sides, it is very, very similar. The maintenance or the protection of traffic coming through there, this time of year if you have a significant snow storm and you start to try to maintain this property, plus you don't have any army of janitors that can come out and remove all the snow, if you have several storms, the chances are you are going to take this situation and make it even worse. You're going to lose the dog run; you're going to

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lose the drainage in the back. Maybe not having a specific flow that way might make this time of year pretty difficult too. You start losing a lot of parking. I don't know how it is plowing now and how well it is maintained but it's always something I like to think about how is this going to be maintained in these circumstances.

EICHENLAUB: We take that into consideration, especially with the plantings along the curb line. How will that feel the impact if there is snow removal? We try to get plantings that should they be damaged, snow conditions, they will regenerate the limbs that break off.

MITAL: I am thinking of stock piling the snow in the back of this parking lot and now you have no turnaround, you're losing parking spots like crazy. Or in affect you could lose the dog run.

EICHENLAUB: Right in the winter months we lose, we lose it, in that particular sense.

MITAL: And that is going to make the traffic flow a little bit more difficult.

EICHENLAUB: We could utilize that area for snow storage as well.

SCHWAMP: I have one more question on that two J, that open space plan and vision plan. I didn't quite understand your answer.

EICHENLAUB: That had to do with the greenbelt, the walkway that we were originally proposing under the original application. But as we have indicated, in order to do the proper layout and achieve the parking that is necessary, we couldn't provide for that under this application. We just don't have the room between the top of bank and our paved area to get a walkway like that in under this proposal.

SCHWAMP: I understand.

LUDWIG: I am still a little unclear in the detail it's a little hard to see on the plan. I think you said the sidewalk five plus wide, but there are also going to plantings, street lights and there are going to be other things in the sidewalk area. Does that reduce the width of the sidewalk?

EICHENLAUB: The plantings, the street trees that we are talking about and the lighting will fall within that paver strip between the curb and the sidewalk. They are not in the concrete sidewalk.

LUDWIG: So we are not reducing that five feet.

EICHENLAUB: The five feet will be maintained but in order to increase that paver strip which is now shown as 21/2 feet, we have to make that wider so that the sidewalk will be pushed further into our site.

LUDWIG: Again, I am just trying to clarify, let's say someone with a wheelchair may be coming down.

EICHENLAUB: They will still have ample sidewalk. It will not include the pavers.

BOGART: I just want to go back to my memo a little bit and summarize some of the issues and answer some of the boards concerns. As was said in the opening that this application promotes a lot of the master goals or the master plan. Promotes a number of the goals in the

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neighborhood business district and it's really consistent with our objectives with this area. And I agree with all that. My concern is that they way it is finally laid out in the plan that is presented tonight raises so many concerns with how the site is going to operate. While in concept the idea is perfect the size of the building has created so many circulation problems that only pedestrians' but also vehicle. We hear the board and engineer tonight. It just seems that if you reduce the building slightly, you could probably accommodate other parking spots; address all of the landscaping concerns. Maybe the front year setback concern, also address the sidewalk widths and take care a number of these issues with just a slight reduction in building depth or width. My other thought is that if the building was actually pushed to the other side, east side of the site that might be the easiest way to address all the circulation issues. If you reduce the building slightly and just move it to the east side you will be able to maintain it, two way traffic circulation aisle, you could have parking up and down the west property line and probably accommodate a few more spaces in there. I would recommend that the applicant look at either reducing the building slightly or reducing it or moving it over to the east to address these issues. I think if you did that you could accomplish all of the goals of the master plan and all of the goals of the neighborhood business district. It would be something for this board and this town to be proud of. The only other thing I wanted to mention is that, it seems that where the sign is located, you will not be able to see it. I believe that it is a foot lower than the street and it's only two feet tall. You may want to look at that.

EICHENLAUB: We have three feet from grade to the other side of the sign.

RUPP: Just one point, again I've been doing some reading on that in the meantime. You are combining two lots here, is that correct?

RUTHERFORD: Yes

RUPP: one of the issues that I was concerned about is whether that act would require a subdivision application as well. If you look at the land use act, again the consolidation of two existing lots which seem to be an exception, as I read the land use act. But it's an interesting question, perhaps you might want to address that. I am assuming that no subdivision application has been made.

RUTHERFORD: No.

RUPP: However these lots are under separate ownership, right?

RUTHERFORD: Yes. I didn't think it is required but that's not something that we would want to make a big issue about it.

RUPP: I am less certain after I read this the statute, again I will just point it out if the is no current subdivision application there is a proposed consolidation of two lots, whether that requires a subdivision because we are erasing a lot line or whether or not that is a combination of two lots and therefore does not need it, I will just alert you to it. Quite frankly, it would seem that on my reading of the land use act it doesn't sound like it would require a subdivision approval. It does not.

RUTHERFORD: I think that is correct. I will certainly look at and respond.

RUPP: Exactly. I just point that out.

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MANCUSO: Excuse me Mr. Rupp, he is also required to submit a soil moving application.

EICHENLAUB: Yes, that has changed from what we originally proposed.

RUPP: That is something you should do although I don't think that required publication or notice.

EICHENLAUB: It's part of the approval. We will submit that with our revised plans.

RUPP: I recall seeing something about soil. I think we are just looking for the application.

MANCUSO: Correct, we have not received an application for soil movement and one is required.

RUTHERFORD: I believe it was submitted but it may well be it didn't find its way to you and I will admit that it was submitted under very hurried circumstances.

MANCUSO: For the prior application.

RUTHERFORD: Here too but that is not an issue. We will make sure you get it.

BEER: It was submitted.

MANCUSO: I did not receive it.

RUPP: Ok, we will just take a look at that.

RUTHERFORD: Whatever you need, we will do.

RUPP: And this is essentially a new application from you have previously submitted. Has the previous application been withdrawn? If not, could you represent whether it is,

RUTHERFORD: It was withdrawn and there was a letter to the Board withdrawing the applications.

RUPP: Okay.

BEER: I just like it on record.

RUTHERFORD: Yes it was, you should have a letter from me.

BEER: Yes, I have a letter. Thank you.

RUPP: My only other comment, I guess we should open it to any member of the audience whether they have any questions to this witness. If not, I understand Mr. Urdang is reserving his right to ask further questions. It is 10:25p.m. I am not quite sure whether or not the Board wishes to continue with another witness. In any event, but that is up to the Board.

SCHWAMB: Is there another witness, a planner?

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RUTHERFORD: We did not intend to have a planner this evening. Perhaps I should consult with my clients just for a minute.

RUPP: It is generally Board policy not to start another testimony this late in the evening. That is a decision the Board can make. If the Board thinks that they have heard enough tonight, as is we are going to have to come back anyway.

RUTHERFORD: We are not, the next witness would not be short and obviously we have heard comments, feedback from the Board tonight. I have indicated in my opening that we are going to revise the architectural plans to some extent anyway, just with respect to the neighborhood business bonus development issue. I personally think that this is a proper time to stop. I think we have had enough for this evening. I will also be amending the application to indicate that while PRAH Associates, LLC has been the applicant, there is a new partner member, PRAH Developers which is actually D.R. Developers, which is a well known real estate developing firm in Bergen County. The recently did a similar building in Hillsdale. They are going to be the developer and the manager of this building. We will certainly amend our application to make the necessary disclosure with respect to that entity as well and may offer some testimony from them at the next meeting as well. Just so the Board has a better understanding of how this is actually going to be built. We will do that as well.

RUPP: We do need to fix a date for the next hearing.

SCHWAMB: Which is February 27, 2013.

RUPP: Good, that should just be stated on the record. This hearing is being continued on February 27, 2013.

MITAL: Isn't the next February 13, 2013?

BEER: Yes, but Brigitte had a problem, so it's the 27<sup>th</sup>.

RUTHERFORD: We are going to need until the 27<sup>th</sup> anyway to meet the ten day requirement.

SCHWAMB: So the 27<sup>th</sup> then.

RUTHERFORD: I don't think we need an extension. Yes, we will take the 27<sup>th</sup>. If there is an issue with respect to the plan preparation, I will advise you well in advance so the Board can schedule its other business.

BEER: The 18<sup>th</sup>, the Borough Hall will be closed, so with your ten days prior, could we please have the maps in by the 15<sup>th</sup> so they can be distributed.

RUTHERFORD: If that is an issue, I will certainly let you know. We thank you for your time and attention.

EICHENLAUB: Thank you.

RUTHERFORD: If we do not have our plans, if the Board wants to give us the March date.

BEER: Mr. Rutherford, are you moving it to March?

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RUTHERFORD: I am just suggesting that, I don't think we are going to be able to meet the time for filing for the 27<sup>th</sup> of February.

BEER: Next date is March 27, 2013.

SCHWAMB: That is better.

RUPP: March 13, 2013 is not good for our planner.

BEER: We have to flop those meeting dates again.

RUPP: In that case the record is correct to reflect that this application will be continued to March 27, 2013. Now can I have a representation that the extension is provided.

RUTHERFORD: We will represent it.

BEER: After we adjourn or before, will you explain to the Board what the meetings are going to be. The second and fourth.

SCHWAMB: Did everyone remember what we discussed at the last meeting, we will now have the second and fourth Wednesday's will be the way they used to be. We are going back to the old ways.

BEER: So the second, you will all make sure you show up because that is a work session meeting. The fourth Wednesday will be as you heard...

BOGART: The second Wednesday's are the ones that I have a problem with.

BEER: Don told me you had just flipped it.

SCHWAMB: Let's start all over.

BOGART: I don't care what you designate what meeting, but the second Wednesday I have a..

TAPE ENDED 10:39.

*Respectfully submitted  
Elena Rega*