

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

The regular meeting of the Park Ridge Zoning Board of Adjustment has been called for Tuesday, October 16, 2012, at 8:00 pm in the Council Chambers of the Municipal Building.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: Mr. Sandler, Mr. Raman, Mr. Sigilitto, Mr. Walker, Mr. Hoskins, Mr. Capilli, Mr. Flaherty, Dr. von der Lieth, Mr. Brennan

Absent: None

Also Present: William Rupp, Board Attorney
Brigette Bogart, Professional Planner
Lyn Beer, Secretary to the Zoning Board

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 Zoning Board of Adjustment of January 17, 2012, setting forth a schedule of regular meetings by mailing of said schedule to The Ridgewood News and The Record on January 18, 2012, and by the posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereat and by filing the said schedule in the office of the Borough Clerk.

VON DER LIETH: Before we get started, I see Mr. Idnani in the audience and if would like to make a few comments? Mr. Rupp is that possible?

RUPP: Yes, yes it is.

VON DER LIETH: Mr. Idnani, please come up.

IDNANI: Thank you very much.

VON DER LIETH: This is not part of a hearing, so please just identify yourself.

IDNANI: Ashok Idnani, 49 Oak Avenue, Park Ridge, NJ. I am here in reference to the resolution. I just need some clarification. I thank you for allowing the entry for the garage variance. It appears that the porch is not allowed, the roofed porch. I look at the discussion and the proximity, the distance of the roof porch to the front yard setback, which comes to, according to my calculation, is 20.32 feet. That seems to be too close, from what I gather.

You had stated that roof porch is not allowed. How about a roof porch that is within the same distance as the entry foyer. I think you had limited the 24 something.

VON DER LIETH: Mr. Idnani, before we go on, I just wanted to say, if I am mistaken, Mr. Rupp, please clarify. I understand that you want to change some things. But, in order to do that, I believe that you would have to come back before the Board with a new application. Am I correct?

RUPP: That is correct. Understand that this is quazi judicial Board. Therefore, without an application before it, any comment that might me made, would be, at best, very general, and probably would be inappropriate in any event. The Board should comment upon an application until there is a hearing when it is on the record, and when there is any neighbors that wish to appear and be heard and then when the hearing is over, the Board can make a comment.

The Board can not tell you what you might and might not do. That would be prejudging the case and we are not allowed to prejudge a case. I can tell you that the general rule of law is that you may not come back to the Board with the exact same application that you were denied on. There are exceptions on passing of time and general conditions, but by enlarge, the general rule is that is that it can not do that. The doctrine, there is a Latin phrase for it, Rais Judicator, but essentially it means that the matter had already been resolved.

Your recourse should you be dissatisfied with a decision of the Board, is to file a action to challenge that decision in the Superior Court of New Jersey. You have another option, though, is to modify your application and then reapply and then essentially argue your case and the Board will then consider it at that time.

IDNANI: Okay, thank you.

VON DER LIETH: I just didn't want to waste your time, Mr. Idnani. I know you had some suggestions. It is just easier if we do it this way and you come before us again and then we take it from there.

IDNANI: I really appreciate it. Thank you.

VON DER LIETH: Okay, thank you very much. Before we begin, the application of Michael DiBella will be carried until December 12th. Thank you Mrs. Beer.

NEW CASES:

CASE: 12-12 Block: 1405 Lot: 10	Application of <i>Pach Food Services, LLC</i> , 168 Kinderkamack Road, for installation of commercial sign that does not meet the requirements of the ordinance regarding uniformity.
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WALKER: Mr. Chairman, I have the following items to be marked into evidence in regard to this application.

- Item 1 is the application dated 09/17/2012.
- Item 2 is certification of service dated 10/01 and 10/03, 2012.
- Item 3 is legal notification dated 10/05/2012
- Item 4 is proof of payment of taxes dated 09/11/2012.
- Item 5 is the lease dated 09/01/2012.
- Item 6 is the survey dated 8/23/1996.
- Item 7 is site plan dated 7/18/1984.
- Item 8 is 4 undated photographs.
- Item 9 is sign sized dated 09/11/2012.
- Item 10 is a corporate letter dated 8/30/2012.
- Item 11 is an undated Pappa John Sign Manual.
- Item 12 is an undated rendition of the 4 colored sign.
- Item 13 are 8 black and white renditions of the sign.
- Item 14 is a plumbing plan dated 07/18/1984.
- Item 15 is a letter from the Applicant's attorney dated 10/03/2012.
- Item 16 is an authorization from the property owner dated 10/03/2012.
- Item 17 is applicants attorney's package dated 10/03/2012.
- Item 18 is the letter of denial from the Zoning Officer dated 8/29/2012.
- Item 19 is the Planner's review dated 10/12/2012.

That is all that I have at this time, Mr. Chairman.

VON DER LIETH: Thank you, Mr. Walker.

RUPP: Who will be testifying?

MANCINELLI: I have about 3 witnesses tonight.

RUPP: Would you like them all sworn in at one time?

MANCINELLI: Sure, why don't we do that?

RUPP: Please raise your right hands? Do you swear or affirm that the testimony that you are about to give before this Board is the truth, the whole truth, and nothing but the truth, so help you God?

RIOTTO: I do. My name is Gary Riotto, my business address is 128 Kinderkamack Road, Park Ridge.

KAZANGIAN: I do. My name is Moses Kazangian, 10 Meller Drive, Saddle River, New Jersey.

HASSAD: I do. My name is Gehan Hassad, 4 Hamilton Terrace, Bryr Cliff, New York.

MANCINELLI: For the record, my name is Robert Mancinelli. I am a shareholder in the law firm of Rubenstine, Myers and Fox, Mancinelli, and Conti, maintaining offices at 1 Paragon Drive, Montvale, New Jersey. I am here on behalf of the applicant, Pach Food Services, LLC.

Before I call my first witness, I just want to give a quick overview of the sign application. I think that everybody here is familiar with the property location. It is the shopping center that is immediately north of the Burger King restaurant. It is in your neighborhood business district zone. It is designated as Block: 1405, Lot: 10, on the Borough's Tax Assessor's map. Currently improved multi-tenant, rent, retail building, consisting of 11 stores.

What the applicant here, is proposing to take over the space that was formally known as the Cigar Emporium. I believe that it has been vacant for approximately 3 years. The property owner will testify more specifically. The applicant proposes to have 3 signs installed, to replace the existing signs that were in operation as the Cigar Emporium. It is my understanding that the sole reason that we are here is the section of the Municipal Code ordinance that references, the Zoning Officer's letter, or emailed denial letter, references it as 101-39. But, I believe that it is 101-41.2B2, which talks about uniformity.

We don't talk about exact colors. We talk about uniform design themes. The proposal is for the signs to be exactly the size that they are now. So, with respect to that, they are not only uniform, they are identical. I think the issue here is with most of the proposed businesses that come into town that have national corporate logos, is that Pappa John's is insisting upon it corporate logo ID. So, I believe that is the sole variance with respect to this application, the uniformity portion of the section 101-41.2B2.

VON DER LIETH: Okay, thank you Mr. Mancinelli. Before we go on any further, I think it would be prudent just for Brigitte, her report, do you have here report?

MANCINELLI: I do. I received it this afternoon.

VON DER LIETH: I am just talking about the other Board members, before we go on with this. It does just seem to be like one or two points here, that you are here for. Not actually the size of the signs but the conformity, like we said. Maybe Brigitte can just clarify it a little bit, more in laymen's terms for the rest of the Board members, members that might not know what is going on. Brigitte, real quick?

BOGART: The Borough Code has two sections on the sign ordinance. General sign regulations and then more specific sign regulations to the NB Zone District. The Mayor and Council, had adopted an ordinance detailing the NB, Neighborhood Business District, sign regulations about a year ago, maybe a little bit more than that.

They are, like I said, more specific to this site, and the uses within Kinderkamack Road, Park Avenue and all the commercial uses. There is two issues. One is with the general sign regulations, which talks about, as the applicant's attorney had just suggested, uniformity within a multi-tenanted building. It doesn't really give specifics as far as how the uniformity should occur. This site has had the same colored signs, the same size signs, throughout a number of years, at least since I have been here, brown signs with white backgrounds, for, I think they have about 10 tenants in the building.

So, I guess that is what your Zoning Officer has called out, that they don't meet the uniformity code. But, in addition to that as I mentioned, they Mayor and Council has just adopted specific regulations for the NB district, which talk about uniformity in a more specific way. They talk about letter height and sign area.

I think when this Board views this application they should look at the NB District regulations as opposed to the more general regulations. I mean you are reviewing in comparison to what currently exists, only because not only is it more specific, but it is also more current. It is very difficult to regulate uniformity without having specific details of what that exactly means.

Typically when a zoning regulation is supposed to be enforced, it has to be enforced through specific regulations, specific dimensions, specific details. So, therefore, that is why I am recommending that when you look at, if you look at page 2 of my review, section "C", 1 through 4, talks about the regulations that applies to the NB District, and I think that those are the regulations that should be applied here. Maybe the applicant could save some time by allowing him just to go through those 4 points. If the Board feels it necessary, then can go through the second part of Section "C", which is just the general sign regulations that we talk about in general uniformity.

VON DER LIETH: Okay, so to understand you right, are the signs, as they are, standing right now according to the new laws in town? Do they meet those requirements?

BOGART: No.

VON DER LIETH: They don't.

BOGART: As long as I have been on the Board, I do not recall an applicant submitting a sign plan for a multi-tenanted building. I know that this building along with a couple of other buildings have been approved with the uniformity in their resolutions of approval. The Dunkin Donuts building was approved under that regulation. There has never been any specific requirements for that.

That is why I am suggesting that the Board look at the NB Zone regulations, because it gives specific details that allows both the applicant and the Board to review under exact criteria, as opposed to just a more general nature.

VON DER LIETH: But, according to the new NB Neighborhood Business Zone District regulations, do the 3 signs that they are proposing, do they fit with that?

BOGART: That I don't know, because I did not, I know that there are a number of items marked into evidence. I did not receive all of those, so I don't know if the applicant has submitted all that information to determine that, and I am hoping that the applicant can go through those 4 points to make sure that they comply.

VON DER LIETH: That is what I wanted to go through.

MANCINELLI: I did not submit the application, the client did on their own, and subsequent to me being retained, I have actually obtained, from a sign company, the actual details. I just got these, actually, about an hour ago. They were prepared late yesterday, so I don't even know what was marked. Mr. Walker made reference to several sign details. I am not sure that those are even going to be applicable. What I have in my hand, and unfortunately, I was only given one copy. I will have the client testify to it and

submit it as additional exhibits and provide more copies at a later date. This will, in fact, give you the look of the sign, show you the existing sign and also give the dimensions.

VON DER LIETH: That is what we would need to have this fit.

MANCINELLI: If I understood, the denial, the stipulation of the condition is that they will meet and be exactly the same size that presently exists, not only with regard to the wall sign, but the pylon sign, which has all the multi-tenants. That is not an issue. I don't have that particular pylon sign detail, but to the extent as a condition of approval, we would stipulate that but for the corporate logo aspect of it, it would match identically, it would be uniform with respect to area and height and size. We can certainly supply that subsequent to tonight's meeting.

So, I just want to make sure that I understand from reading the Planner's Report and reading the denial email, what the issue here is the lack or the interpretation that the proposed sign is not uniform.

VON DER LIETH: Well, uniformity takes into not only size, but color also.

MANCINELLI: Your ordinance doesn't say color. It talks about size.

RUPP: I think that it does say color.

VON DER LIETH: It does say color.

MANCINELLI: Excuse me, it references color schemes with regard to the overall site. But, it doesn't say identical, it says uniform.

VON DER LIETH: No, no, correct, but there are color.

MANCINELLI: Yes, and we will go through this. In fact, with regard to a most recent sign that was approved without this process in the site itself, that is definitely a different looking sign and this just got approved. I am not really sure how this got approved without a variance. We will get into it with the testimony.

RUPP: I have one request in terms of the order of your evidence. There are a number of issues. Some of them are just very technical, which might be prior lawful, nonconforming signs. That is one of the issues. But there are certain dimensional requirements, so if we could have some testimony that really puts to bed those dimensional issues, then we can get to the design issue.

MANCINELLI: What I intend to do after I call the first witness, is have her identify, I literally just got this handed to me about a half hour ago in the hallway. This does have the dimensions of the sign with respect to the 2 wall signs, not the pylon sign.

RUPP: I will just note, that there are some other provisions in the ordinance that relate to percentage of the face, store face, I believe.

MANCINELLI: I believe that the Planner's report addressed that and said that we were in compliance with that. So, if that is an issue, I will have testimony.

BOGART: The one that I wasn't sure was the percentage of the façade area for the store.

MANCINELLI: I am going to have to provide that information. But, we will stipulate that it will meet the ordinance and we will provide the specific details.

RUPP: One of the, I guess, this might be a preexisting sign. I am not quite sure of that either. Again, that is part of the testimony and burden of the applicant.

MANCINELLI: Right, there has been, the prior tenant had 3 signs. That is what we are proposing to do.

BOGART: The prior tenant was there prior to the NB District regulations.

VON DER LIETH: Right, so now, those signs really don't conform to the new NB District criteria?

BOGART: They may or they may not, we don't know. I did not receive enough information to determine that.

VON DER LIETH: Okay. By the way, where is the third sign, before we get into this. I know the one over the head and one on the pylon.....

MANCINELLI: It is what your Planner calls the face façade, front façade. The one that you can see, because there is 2 streets, we have avery similar to the Goodyear, has 2 signs on both sides of its wall, if that is allowed in your ordinance.

VON DER LIETH: Okay, so we can start testimony.

MANCINELLI: The testimony will be that Cigar Emporium had one as well. They chose to hang it underneath where we intend to put it above and again I believe that it conforms with the regulations as to the size and that we are allowed to mount it there as opposed to underneath where Cigar Emporium used to have it.

VON DER LIETH: Alright, you can start to taking us through what you are doing.

MANCINELLI: My first witness that I would like to call is Miss Hassad. You have been sworn. You are one of the owners and officers of the applicant, Pach Food Services LLC, is that correct?

HASSAD: Yes.

MANCINELLI: Is that a holding company that was established for the sole purpose of operating a Pappa John's restaurant at this location?

HASSAD: Yes.

BEER: Mr. Mancinelli, the black microphone and she is not being picked up, for the purposes of the minutes, too soft a voice.

MANCINELLI: You have to speak louder. Pach Food Services is under a lease agreement with the building owner, Artdor Realty, is that correct?

HASSAD: Yes.

MANCINELLI: Is that lease agreement subject to specifically for the approval of the proposed Pappa John's signs.

HASSAD: Yes, it is.

MANCINELLI: If the Board would not act favorably and not grant the application, then you are not going to be a tenant there, is that correct?

HASSAD: Yes.

MANCINELLI: Now, with respect to the, did Pach Food Services also enter into a franchise agreement with Pappa John's?

HASSAD: Yes.

MANCINELLI: And that is to operate a restaurant at this site?

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HASSAD: Yes.

MANCINELLI: Does that agreement also have an express condition that you must use the Pappa John's logo, the corporate logo, for the sign design for purposes of operating this, correct?

HASSAD: Yes.

MANCINELLI: If the Board does not act favorably, then you don't get the franchise, is that correct?

HASSAD: Yes.

MANCINELLI: Mr. Chairman, I don't know if you need to have the witness testify. We did submit in support of that position, a letter from the Corporate Office.

WALKER: That is in the record.

MANCINELLI: That is in the record.

VON DER LIETH: We do have that, yes.

MANCINELLI: We also have this undated reference manual . The specific reason for us submitting that, it gives you various ways to mount and design signs, but the most important aspect of this is the color scheme. I don't know if anybody read this 13 page document. But, you have and does this require the red and the green as part of its sign?

HASSAD: Yes, it is required.

MANCINELLI: There are no exceptions, correct?

HASSAD: No.

MANCINELLI: If you change the colors of that sign, you do not get the franchise. Is that correct?

HASSAD: No.

MANCINELLI: If the Board was to act favorably and you open up this restaurant, how many new people are you going to hire?

HASSAD: 15 people.

MANCINELLI: Are they all going to be there at the same time, or do they have various shifts and different types of duties?

HASSAD: Various shifts, and duties.

MANCINELLI: This is not going to be a sit down restaurant, correct?

HASSAD: No, it is not.

MANCINELLI: This is going to be a take out or a delivery, is that correct?

HASSAD: Yes.

MANCINELLI: You have spoken to the landlord and you have shown the landlord your proposed sign, and the landlord has agreed to accept that. Is that correct?

HASSAD: Yes.

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MANCINELLI: Earlier, I mentioned to the Board that earlier today, you presented to me, 2 different sign details. Is that correct?

HASSAD: Yes, I did.

MANCINELLI: Who prepared these?

HASSAD: Persona Sign Company.

MANCINELLI: That is P-e-r-s-o-n-a?

HASSAD: Yes.

MANCINELLI: They are out of Watertown, South Dakota?

HASSAD: Yes.

MANCINELLI: Are they the authorized sign design maker for Pappa Johns?

HASSAD: Yes, they are.

MANCINELLI: You were directed by somebody at Pappa Johns Corporate to contact these folks to get the sign details?

HASSAD: Exactly.

MANCINELLI: You just got these, you told me, earlier yesterday?

HASSAD: Yesterday.

MANCINELLI: These are the only copies of each of these, right?

HASSAD: Yes.

MANCINELLI: Mr. Chairman, I would like to mark this first one as A-20. I will refer to this one as the façade wall sign. Do you know what I mean by that?

HASSAD: Yes.

MANCINELLI: What is the proposed dimensions here? Is it 2' by 5'?

HASSAD: Yes, 2' by 5'.

MANCINELLI: What is shown in this picture is the exact logo that Pappa Johns is approved for this location. Is that correct?

HASSAD: Yes it is.

MANCINELLI: That was dated, I don't know if we entered the date, but it is dated on October 15th, 2012. Is that correct?

HASSAD: Yes.

MANCINELLI: We will mark this next one as A21. Again, this is another view of a sign that was prepared by Persona Sign Makers on behalf of Pappa Johns?

HASSAD: Yes.

MANCINELLI: This is dated October 15th, as well?

HASSAD: Yes.

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MANCINELLI: Also, in this picture, you have the existing Cigar Emporium sign depicted in the upper left. Is that correct?

HASSAD: Yes.

MANCINELLI: Is it your testimony, you show dimensions of 2' by 10', is that correct?

HASSAD: Yes that is correct?

MANCINELLI: Is that your understanding the exact dimensions of the existing sign?

HASSAD: Yes it is.

BEER: What are you naming that one, Mr. Mancinelli? What are you calling A21?

MANCINELLI: The front store sign. I will pass these around.

RUFF: The façade sign was the side sign?

MANCINELLI: I am going to use the terminology from the Planner.

CAPILLI: Are these signs lighted?

MANCINELLI: I was going to get to that. Are they illuminated from the sign box?

HASSAD: The existing one, yes they are.

MANCINELLI: The landlord is here, the owner, so maybe we can get into more detail about that. Mr. Chairman, at this time I really don't have any other questions with regard to the sign details. I am going to have some more testimony from Mr. Riotto, and the property owner, with regard to the nature and history of the sign usage in that site as well as the surrounding area.

CAPILLI: Mr. Mancinelli, I am not sure that I got that. That front façade sign will be lit, is that what we said? Illuminated internally?

VON DER LIETH: Is the one that is there now illuminated internally?

KAZANGIAN: Yes, internally. They all are. The boxes are identical.

BRENNAN: What is the bottom height of the base of that sign, from the sidewalk, how high up is that? From the ground level, the façade sign?

MANCINELLI: If you want I can call the landlord. All that I have presented is just the size of the sign, not the measurements of it.

KAZANGIAN: There are no indication on the drawing as to how high it is. This is the first time that I saw it.

BRENNAN: Is there a requirement, though, that it has to be

RUPP: Yes, I think there is a 15 foot maximum height. In other words, there are some, that is why I tried to start out by saying there are some technical requirements even though the letter of denial might not have sighted that. Maybe one of the reasons why the information wasn't provided, there is no way to judge that.

This Board will have to take all of that into account. Clearly, we are going to need some dimensions. This is going to have to be carried to some other day, as well.

MANCINELLI: We can supplement that, but the point is that it is going to be exactly what is there now, and uniform with everything else that is there in terms of all of the questions that the Board is asking.

RUPP: Okay, didn't I understand, though, that on the façade sign, the old one was hanging and this one is now above.

MANCINELLI: Right, I was talking about the front sign that is depicted in the picture.

RUPP: Okay. That is why the height of the façade sign is an issue. Again, I am not saying it complies or doesn't comply because I don't know. It is one of those things we have to check. Also, I don't know if have any testimony as to the size of the façade sign.

VON DER LIETH: You did, and

RUPP: Well 2' by 10' was the front store sign.

BEER: 2' by 5'.

VON DER LIETH: Regardless, correct, Mr. Mancinelli, whatever is preexisting here, you are going to conform to that preexisting size.

MANCINELLI: Yes.

VON DER LIETH: So, that, to me, is a non issue at this point.

BOGART: The size on that entire shopping center existed prior to the neighborhood business district. So, regardless, if they comply or not to those regulations, if they are still meeting the existing conditions, the existing signage, it is preexisting nonconforming. It is not an issue.

VON DER LIETH: So that is not the issue. The issue is that it is nonconforming color wise.

MANCINELLI: Mr. Chairman, that is exactly why I didn't provide details and I will, again I got in the game a little late. Normally, maybe, I would have submitted that, but since we are replacing existing signage.....

VON DER LIETH: Brigitte just clarified that to me, so, what I am saying is to the rest of the Board members. What we are talking about here, is, the fact that they don't conform color wise to everything else that is in there. So, we have to talk about, do we want, we have to talk about this.

CAPILLI: Well the only difference is the façade sign, which doesn't exist now, to make sure that it conforms with the.....

VON DER LIETH: But it did.....

BOGART: You are correct though. Right now, there is an existing hanging sign. So, the existing front façade sign is different.

MANCINELLI: Let me make this suggestion. If the Board is to act favorably with respect to the uniformity of the color, then we will get the detail specific for the façade sign, for purpose of the permit. There is really no point in getting that if, that, to me is not a variance issue. You need to make sure it is a condition of approval, that it meets the current code, that is not an issue, but if we get past the uniformity color scheme of the corporate logo, then we will get to that next step. I think that is probably the easiest way to do it.

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RUPP: Just for the clarity of the record, I just want to make sure. If I understand your testimony, or the testimony of the witness, the front store sign, alright, is 2' by 10'. It is the exact same dimensions as the Cigar Emporium sign?

MANCINELLI: Yes that is correct.

RUPP: And it is currently internally lit.

MANCINELLI: Correct.

RUPP: Okay. The façade sign measures 2' 5', right? It is not identical to the sign that is was existing there just prior to this, because the existing sign, I understood, was hanging. This one is not mounted higher.

MANCINELLI: It was hanging and larger.

RUPP: Okay.

MANCINELLI: This is smaller and it is going to be wall mounted.

RUPP: Was the hanging sign illuminated?

MANCINELLI: Yes

RUPP: Internally illuminated? Okay. This sign, the façade sign, is that also internally illuminated?

MANCINELLI: Yes.

RIOTTO: The same wiring is going to be used. The wiring is still right there.

RUPP: I am just sorry, because is this was discussed or implied it just didn't get on the record. I just want to make sure we understand. The prior sign and you know what that measured, the prior sign?

VON DER LIETH: The hanging prior sign?

KAZANGIAN: 2' by 5'. That was initially approved by the Planning Board, as part of the scheme, but never implemented by the tenants that are there.

WALKER: That store had that sign.

RUPP: Okay the prior hanging sign was 2' by 5' and was internally illuminated.

VON DER LIETH: Are there any questions? Okay, so that is something that I know we will have to discuss about this case.

RUPP: We have to check the height on that, that is all.

VON DER LIETH: We do have to check the height.

BOGART: It is definitely not, it is clearly not more than 15 feet. It has to be less than 8 feet. In terms of the wall signs, right? I think Mr. Rupp was bringing up the NB District regulations which say that wall signs can't be mounted more than 15' high. That was put into place so that you didn't have signs on the second story of buildings. This is clearly on the first floor and it is clearly under the 8'.

VON DER LIETH: Good, okay, fair enough.

SANDLER: We are talking about the façade sign.

VON DER LIETH: Yes we are.

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SANDLER: How could the façade sign be under 8 feet, because people walk underneath it. That is mounted on the wall. That has to be close to 12 or 14 feet.

WALKER: We are talking about the full size sign, that is under it.

RUPP: Am I missing something. How do I look at that and determine whether it is clearly....what height it that.

BOGART: Because typically, commercial buildings are between 10 and 12 feet tall, and it is mounted at the ceiling beam level. So, like I said, the regulation was put into place so that signs weren't mounted on the second story of buildings. That building is a one-story building. It is clearly not more than 15 feet tall. If it is, maybe at the roof level. If you want clarification, I am sure that applicant would provide that.

MANCINELLI: Yes, I will give you the wall sign, the façade sign, detail. I don't know its color, it is lack of uniformity.

VON DER LIETH: Well, we are going to discuss that later on tonight after. So, if there are no more questions..

MANCINELLI: I am allowed the colors.

BOGART: White and black are not considered an extra color, so you are allowed the colors. It is the uniformity issue.

VON DER LIETH: That is something that the Board is going to discuss tonight. But, if there are no other questions from the Board members, I thank you very much and you can contact.....

BEER: I think that they have other witnesses.

MANCINELLI: Yes, I want Mr. Riotto to testify. I want to talk about all of the shopping centers in town and all the different signs.

BEER: Mr. Riotto, only the black microphone will pick you up. Mr. Mancinelli, if you are going to ask questions, shout.

MANCINELLI: It is my understanding that Mr. Riotto has appeared in front of both the Zoning and Planning Boards over the last numerous years, at least 12 times and has qualified as an expert witness in the field of commercial real estate. If the Board is not familiar with Mr. Riotto, I have no issue giving him a couple of questions and have him qualified.

Why don't you, for the Board members that don't know you, give a brief background, the education and licensing.

RIOTTO: I am a licensed Real Estate Broker in the State of New Jersey and have been so for approximately 35 years. I have maintained my office in Park Ridge for that period of time. I have testified between the Planning Board and Zoning Board on numerous, numerous occasions.

VON DER LIETH: That is quite enough, thank you very much.

MANCINELLI: Are you familiar with the commercial real estate market within the Borough of Park Ridge?

RIOTTO: Yes, I am.

MANCINELLI: Are you familiar with the several properties in Park Ridge, where there are similar type of multi-tenant shopping centers?

RIOTTO: Yes, I am.

MANCINELLI: Are you familiar with the subject property?

RIOTTO: Yes, I am.

MANCINELLI: In what capacity?

RIOTTO: Both as a realtor and as the actual rental agent for this property, for over 25 years.

MANCINELLI: So, you have been the rental agent for this property for over 25 years? I would assume that you would know the history of all the prior tenants and the signs that we used.

RIOTTO: Yes, I do.

MANCINELLI: Why don't you give us a little background of what your understanding is or not understanding, but your actual knowledge of what presently exists and what previously existed in terms of whether or not any particular signs were approved with or without variances, etc..

RIOTTO: Within the existing site, there are several variations, or previous precedents from the sign ordinance requiring monolithic coloring, specifically, the Park Ridge Automotive center, it is an existing tenant within the site plan shopping center. Their signage is blue and white. They have signs facing Berthoud and facing Kinderkamack Road.

Krazy Kups, immediately next door to the applicant's store was recently issued a CO, and their sign which is white, black and green.

MANCINELLI: Is this a photograph of that sign?

RIOTTO: Yes, it is.

MANCINELLI: I think I am at A22.

VON DER LIETH: Just for the record though, the garage is not, it is in the same thing, but it is not connected to the rest of the building.

RIOTTO: It is part of the whole site plan approval.

VON DER LIETH: I understand that it is part of the same site plan, but not part of the line. I am just saying that when you talk about uniformity, we are all just thinking of that straight shot of stores.

RIOTTO: My understanding was that the only reason that there is a question of uniformity is because it was precedent of the site plan approval.

VON DER LIETH: Okay, very good, I am just telling you.....okay go on.

MANCINELLI: I just marked as A22, this Krazy Kup store is actually right next door to this proposed tenant.

RIOTTO: Yes, it is.

MANCINELLI: And that is green, right?

RIOTTO: Yes, green, white and black.

MANCINELLI: Okay, so our proposed sign is green, correct, and it has white, correct?

RIOTTO: Yes.

MANCINELLI: It doesn't have black though, does it? It has red instead of black?

RIOTTO: It has red.

MANCINELLI: Do you know whether or not Crazy Kups required a sign variance or they were granted a sign permit.

RIOTTO: They were granted a sign permit.

MANCINELLI: As a property manager, do you know why that was deemed to be uniform?

RIOTTO: No, I do not.

MANCINELLI: In your professional opinion, would you agree that the proposed Pappa Johns sign and the Crazy Kups sign appear to be uniform?

RIOTTO: Yes.

MANCINELLI: They are the same in size, correct?

RIOTTO: That is correct.

MANCINELLI: Two of three colors are identical, correct?

RIOTTO: That is correct.

MANCINELLI: Your opinion is that is uniform as far as you are concerned.

RIOTTO: Yes.

VON DER LIETH: They are uniform in terms of color, but in terms of font and everything, it doesn't look, I am just saying, I am with you on the color.

MANCINELLI: The ordinance doesn't discuss about font.

VON DER LIETH: No, I am sorry for the interruption, go on.

MANCINELLI: What about any other sign that tenants have had signs that had different looks or different colors to them.

RIOTTO: Additionally, many years ago, I appeared before this very Board, for a sign variance for store number 168 F, in the same shopping center. That tenant's name was America's Hobby Center. They were a very large national mail order company. Their catalog was the size of a phone book. They decided to open a retail store and selected Park Ridge, and I had to appear with the applicant before the Zoning Board for a variance and they were granted a variance for Red, White and Blue, within the same shopping center.

Additionally, the party store, which occupied the same site, that was subsequently rented by the Cigar Emporium, had a different color than the monolithic colors that are there now. So, within the same shopping center, we now currently have 4 applicants that do not follow this monolithic color.

MANCINELLI: With respect to the surrounding development patterns, can you comment, not only with regard to uses, but also types of signs.

RIOTTO: Yes. Traveling south on the same side of Kinderkamack, within 200 feet of the applicant's site, is the Burger King, whose signage is red, yellow, blue and white. Further south is the Liberty Gas Station, is red, white, and blue. Traveling north on the same side of the street as the applicant, and the building immediately next door, which is a multi-tenant building. It has Citi Bank, as one tenant, whose signage colors are blue and red. A new tenant, I can't pronounce it correctly, Salci Jewelry, their new signs are up, and their signage is red and white. That represents 3 colors within that building complex.

The next building north, within 200 feet, I checked the zoning maps, of the applicant's site is Kenetic PT Center, and their signage is blue, brown, orange and white. That is 4 colors on the same building.

The next building north is the one that we mentioned, it is the Dunkin Donuts building, and the Dunkin Donuts signage colors are pink, and purple. The Eden Nails is white and the Super Cuts is red. That is 4 colors on the same site.

MANCINELLI: Okay, lets stop right there for a second. I am going to mark this one as A23, a photograph, and that depicts the Dunkin Donuts and Baskin Robbins sign?

RIOTTO: Yes.

MANCINELLI: You testified that those are not the same colors.

RIOTTO: That is correct.

MANCINELLI: Do you believe that those to be, even though they are not the same colors, do you believe them to be uniform?

RIOTTO: Yes.

MANCINELLI: Let me pass this one to the Board.

VON DER LIETH: Mr. Riotto, may I ask you a question? I understand where you are going. It is a very logical explanation, and we could go all the way down Kinderkamack Road, I am sure.

MANCINELLI: I promise I am not going there.

VON DER LIETH: No, I am just saying, rather than doing that, you see uniformity, I am just curious within this building here, which is the proposed Poppa Johns, Cigar Emporium, Jewelers, and everything else, how many lighted signs are there right now? All of them. Okay.

KAZANGIAN: They are all lit sign boxes. They are all made by the same sign company.

BOGART: The proposal is uniform in size and uniform is letter height, and uniform in lighting, location and.....

VON DER LIETH: And the colors match, so I am okay.

CAPILLI: The point that I am trying to make is that I think that the applicant had done a good job of proving the case.

MANCINELLI: I guess to speed this up, is it clear that the issue is when the corporate logos come into town. Here is A25, this is a national tenant. (Board members and applicant's attorney talking at the same time, unable to distinguish who said what) We will call it the Dunkin Donuts site.

Then, across the street we have the Ridgemont Shopping Center.

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RIOTTO: Yes, across the street is very interesting. Because, the Ridgmont Shopping Center pylon colors are red, white and green. Now, the individual signs for the stores are red and white. But, sometime not to long ago, A&P put up the work “fresh” in green. Again, this is what we talk about with the national chains. The Staples has a trailer on their sign, something about the “office store”.

VON DER LIETH: They came before the Board for the A&P “fresh”.

RIOTTO: They did, and the variance was granted. I wasn't aware that they came before the Board. I had just pointed out specifically that some time ago, they added the word “fresh”. So, a variance to the color of a multi-store shopping center was granted for that applicant.

VON DER LIETH: That is a point well taken.

MANCINELLI: I have a question for you. As a commercial real estate broker, what is the interplay with the number of vacancies in not only Park Ridge, and the surrounding community, trying to attract national tenants? What seems to be, in your professional opinion, the key issue with regard to attracting a tenant that has a national corporate logo?

RIOTTO: The signage exposure of their brand, it has to be the same and it has to be visible, otherwise they won't consider entering into site.

MANCINELLI: What is your opinion, given all the facts that you just presented and understanding this ordinance that is in play here, what is your opinion with, if the Board was to act favorably granting the variance. Do you think that there would be any detriment to the public good, particularly the business community, with respect to allowing a deviation from the ordinance with regard to perceived uniformity issues as to color?

RIOTTO: Well, with all of the variations that exist in signage along Kinderkamack Road, I believe that the enforcement of this specific old site plan color requirement is outdated, as brought forth by the new neighborhood business zone, addresses that issue. Certainly the granting of this variance for the applicant is the spirit in keeping of the ordinance and not detrimental to the public good in any way.

VON DER LIETH: Thank you very much.

MANCINELLI: I have no other questions of this witness.

VON DER LIETH: Are there any other questions from the Board members? No. Are there any other witnesses here?

MANCINELLI: I have the owner here, Mr. Kazangian, but I am not sure, pretty much what I was going to ask him has already been discussed, unless the Board has any questions.

VON DER LIETH: I don't think that it is necessary, to be honest with you.

MANCINELLI: If the Board doesn't have any questions, I don't have any other witnesses.

VON DER LIETH: We will discuss it tonight and you can call Mrs. Beer in the morning. I don't think that there is anything else. In fact, before we go, I just wanted to say, looking at the sign conformity, I don't think that it has as much to do with the signage in what is there as the building and what the buildings look like. There is plenty of nice mall in Norwood, and Old Tappan, that have signs up and down, different colors, this and that, but they all have a uniformity building wise, awning, this, that, so, for future discussions, we would talk about something like that, but according to the sign, you meet all of the criteria, so will discuss it tonight.

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MANCINELLI: As I said earlier, as a condition of approval, if the Board or the Zoning Officer or the Building Department, needs specific dimensional details, we will provide those. That is not an issue.

BOGART: Yes, the height, the building height and the façade areas.

VON DER LIETH: Okay, thank you all. We appreciate it.

LUDWIG: I would just like to start off with one thing. Signs are the most difficult things to enforce in the Borough, especially when there is nothing specific. Sometimes there is reference to uniformity. Uniformity is a very subjective type of thing, especially when it come to signs that have been there for years, trying to figure out what that uniformity theme is.

There was some reference to the Dunkin Donuts building. Now, if you look at the Dunkin Donuts sign, and try to figure out what that consistency is, it is very difficult. There are all kinds of colors and there are all kinds of sizes. Obviously, it is a corporate sign.

Also, I think that you need to consider the fact that a lot of these signs were installed before the NB District was applied to this street. Actually, it doesn't even apply to the other side of the street. It only applies to the west side of the street. The east side of the street is in the business district. Plus, there have been signs that had been installed without permits. There have been signs that have been installed with variances. There are signs that are not part of a multi-business mall or building.

So, to make a statement that I see all different kinds of signs in the Borough, is not really pertinent to this application. The other thing is that when it comes to uniformity, obviously, there is an effort being made by the Zoning Officer to have uniformity. But, uniformity, especially when it is not all together obvious what that scheme is, is a difficult thing to match.

Clearly, in my mind, when I saw the Pappa John thing, this was not a border line case. It was significantly different in appearance. Now, not maybe in size, but because of its corporate design, if you want to call it that, looking with the others, it is not in the appearance. So, it would not bring you to this Board or by approving it, would be further deluding whatever this uniformity appearance is. That was my point to bring it to your attention for a decision to be made, because the standards of uniformity can be somewhat vague when you determine, or what exactly can be different in a uniformity conforming sign.

VON DER LIETH: I think that it is strange, though, because, I can't believe that I am saying this, but, I think that the other signs in that mall are horrible in that mall. I am just saying, do you know what I am getting at? They are all terrible. (Everyone is speaking at the same time-can not distinguish)

Was that you? Who said that? Look at the Washington Township Center, what happened to them? It is dead, and they are all out of business. No one what this is, no one knows where the Dunkin Donuts is, to the Dairy Queen, because they don't know what sign, all of the signs are the same.

WALKER: We had a bank come before us, they couldn't use their sign.

BEER: On the other hand, though, Washington Township, now, has eliminated the sign ordinance, which means you can put up anything you want and you don't want that here.

VON DER LIETH: Because of that, there.....

WALKER: There should be size and lighting. If a national company comes in ant they can't put their sign up without a variance, there is something wrong with that ordinance. I am sorry.

BOGART: That is what I was explaining.

WALKER: I said we had a bank come before us years ago, they couldn't put the MAC logo up because it was a rainbow color. It was too many colors for the Borough of Park Ridge to deal with.

VON DER LIETH: Mr. Hoskins, what are you saying? What are you thinking?

HOSKINS: I am just saying that there are corporate stores in that mall, if there were, I think that they would be here putting up a different sign.

VON DER LIETH: And I will tell you what. I think that the fact that all of those signs were the same kind of color contributed to the fact that it is dead. People go out of business in and out. Not that Cigar Emporium is dying to get in.

LUDWIG: None of those signs have name recognition.

SIGILLITO: Perhaps it is a little opportunity to get some more capitol into the Borough.

RUPP: Okay, the 101-58.21, which is technically not a variance issue, it is really treated as a site plan. It talks about for multi-tenanted buildings the sign shall be designed with uniform area and height. That is what that states. It also indicates that, it also has a provision that it can't be more than 8 to 12% of the wall area, at street level.

BOGART: You are talking about the neighborhood business district regulations, which came into play after this development was created. I think, and correct me if I am wrong, but I think the Zoning Officer brought it in under the general sign regulations, which talks about uniformity and it says that a sign plan should be created for a multi-tenanted building. It just says uniformity, the proving authority shall approve letter style, size, illumination details, color, construction materials, location and height above grade, locations relative to lot lines, landscaping, on site lighting fixtures, and indication of location of site identification signs.

So, it is very general and that was exactly my point, was that it is very difficult to enforce a regulation, particularly a zoning regulation that does not have specific details, or specific dimensions associate with it. Uniformity is subjective and it is subjective to, as you heard tonight, one person likes this type of lighting, one person likes this type of lettering. The lettering is the same, is that uniform? Is the color the same, is that uniform? If I think, and as I mentioned before, I think that when you look at this application you should look at the NB District regulations, because it talks about uniformity in 2 facets, area and height. Those are 2 specific dimensions that you can look at and compare what is being proposed versus what exists. Without specific dimensions, it is very hard to enforce.

RAMAN: I think that this goes beyond what we are trying to do. This is a corporate brand and we have to make the decision of whether it makes sense to have an ordinance that chases businesses away. If that is what it ends up doing, than we have to change the ordinance.

WALKER: I would argue that the signs are uniform. They are all 2' by 10' and they are all 6' off of the ground. They are all lit.

SIGILLITO: So the only question that I was asking our attorney, is are we restricted by current ordinance in requiring or must we require uniformity in color, under the current ordinance, so we are not following the.....

RUPP: Let me just tell you.... there are a couple of sections involved. There is also 101-35. 101-35 is general regulations for signs and it says, "the following regulations apply to signs in all districts in the Municipality". Paragraph G on that says, "no signs shall have more than 2 colors".

BOGART: Except if you have black or white, those are not included as colors.

RUPP: Okay, then section L says, “a consistent design should be created throughout the development, where there will be more than one sign provided. All signs are to have the same letter size, material, lettering style and color.”

WALKER: It is too late. They already have this.

RUPP: I am telling you what the ordinance says. Then, Brigitte, properly quoted 41.101-41.2, that deals with shopping centers and then she read the site of the sign plan, okay, then the uniform design theme does reference colors, okay, so that is what the ordinance says. Then you have again, the NB Zone provisions that don't mention, doesn't mention, color as uniform in area and height.

LUDWIG: Do we make the decision that the NB decision applies and supercedes, because it is more current?

RUPP: Yes. Understand what the Board can and can not do. Disagreement with the sign ordinance is not one of the things that you can do.

RAMAN: Normally it is hardship.

RUPP: That is my point, you have to put it in one of the criteria to grant a variance, okay, exceptional, practical difficulties, undo hardship, okay.

RAMAN: They have both of those.

RUPP: Theoretically one can come up, I guess, with a special reasons variance, because special reasons are included within a “C” variance as well, right? So....

RAMAN: There is no negative criteria.

RUPP: You need to find that there are no negative criteria, but the answer is yes. But, you really have to analyze this, not that the ordinance shouldn't be the way that it is, because that isn't, you don't have....right, you might feel that way, but that is not a grounds for this Board to grant a variance.

BRENNAN: What is the bottom line here? What is the exact variance that we have to vote on?

RUPP: Look, here is what I am suggesting, okay, if one is inclined to approve this, any approval should be at least subject to the verification of the dimensions relative to the height of that façade sign. I think that it is probably correct, but the bottom line is that in an application it should be specified somewhere.

The other issue deals with preexisting. I was taking a look at some of the exhibits. On one you have a before sign that shows a Cigar Emporium sign, and then you have after, which is a Poppa Johns sign. That is pretty indicative of the fact that before there was the Cigar Emporium sign, and after you just take the lettering out and put in Poppa Johns, which means that in terms of the height and location of the sign, those would appear to be prior lawful, nonconforming signs, even if they don't comply with the dimensional requirements.

SIGILLITO: Everything but the façade.

RUPP: Okay, in the other picture on the façade sign, which I call the side sign, okay, the before picture shows no sign, right? So, it is hard to argue, based on this in evidence that this is a continuation of a prior lawful nonconforming sign.

VON DER LIETH: We could dig up a picture of the hanging sign.

RUPP: The photographs that were distributed with the package doesn't have that either. So, I am just telling you, based on this piece of evidence,

SIGILITTO: But subject to testimony, there was a sign of that dimension but not at that location.

RUPP: That was hanging.

HOSKINS: It was hanging.

WALKER: It hung from the.....

BOGART: The new Neighborhood Business District regulations allow for that sign to be fixed.

VON DER LIETH: As long as it doesn't go above the 15 feet.

RUPP: No, it is not. It is also 8 to 12% of the wall size. You tell me what the wall size is on this exposure because most of it is not anything.

BOGART: I am not sure that is a topic for conversation for tonight, because the applicant agreed to submit that information. So if they don't comply, they would have to come back for a variance for that sign.

RUPP: All I am saying, when I look at this, you have to take a look. If I had to compute what the size of that wall is, I don't know what the size of that wall is because most of that wall is an open walkway. If you only count the size of that wall, right, then it is more than 8 to 12%. That is all that I am saying.

BOGART: That is fine, but like I said, the applicant has agreed to come back with those dimensions. If a variance is required for that, we are not granting that. They didn't request a variance for that sign. They requested a variance from what the Zoning Officer said about the uniformity code.

RUPP: I know, but, once they are before the Board, I think we have to address all of the issues. That is all that I am saying.

VON DER LIETH: Okay, lets make it a provision that they have to come back with this. Correct, can we do that?

RAMAN: It is a prior nonconforming, right?

RUPP: The answer is that is the problem. As far as I can determine with the testimony, is the Cigar Emporium sign, to the extent it was there, purportedly was hanging, right. This sign is not hanging, it is mounted higher up on the wall. What the answer is, this prior nonconforming use...if you change it, I am not quite sure it carries that same, now if you make a change it is not the same thing.

WALKER: This one you can see from Kinderkamack and the other one you couldn't.

BRENNAN: That 8% rule, is it only that little hang?

RUPP: That is my point, it is hard to determine what the size of the wall. That is one of the issues.

BOGART: It says that it is 8 to 12% of the wall area at street level for the use that is advertising. So, it is technically supposed to be if you are looking at a store front, it is supposed to be whatever the storefront is. So, this is a little bit different, but that store front extends the entire length of that space. So, it is kind of a unique situation, but you are taking the same exact sign that currently exists and putting a wall sign, which is currently permitted on a front façade, which is currently permitted. So, even if the Board

were to grant a variance, I think there is reasons that it furthers a number of the current regulations in the ordinance.

RUPP: Okay, my comments were not designed to indicate whether you should or should not approve it. My comments are designed to identify the issues.

LUDWIG: But we need to know how we could approve it if we want to because of what we.....

RUPP: I would be comfortable approving the side façade sign, on the basis of prior lawful nonconforming use. Because, I don't think it meets that criteria because there was not a sign in that location previously. Now, there is other grounds to approve it, and I would prefer you to pick some other grounds, other than that one.

RAMAN: What is the other grounds?

VON DER LIETH: It is a hardship, the business will not come in if the signage is not up.

BOGART: A sign is now permitted on that wall.

VON DER LIETH: Okay, so than that is not

BOGART: It is just the size that is in question.

RUPP: It might be a conforming sign, because I didn't think that it could be illuminated.

VON DER LIETH: Okay, we will take a straw poll, just real quick. (everyone speaking at the same time.) Okay, guys, listen up. Mr. Ludwig wants to say something.

LUDWIG: All of these conversations are the reason why it is almost impossible for me to make a judgment call on a complicated issue like this. It clearly had a color deviation but I wanted the rest of this testimony to come up so that you could determine how to handle those other 2 signs, the façade sign and the free standing sign. It may not meet the same design scheme as what is there. That may be the first point. It may not meet the NB Zone requirements, but the zone changed recently. So, do we apply the previous standard for a sign that is being replace with a new panel, or do we use the current zone, which has different requirements than previously existed?

That is really why I had to deny the application, because I could not understand how to handle it.

VON DER LIETH: Okay, just for the record, after Brigette's report, I mean, what you said, I am okay with it. That is all. I am just saying I am okay with what Brigette has gone on to say and I thank Mr. Rupp for input. I understand where you are coming from, but I don't think we have any..... everyone is in agreement in this and

RUPP: I can draft something, I just wanted to know ... there are some areas that I think you might want to say yes, that is how to do it.

BRENNAN: Should this be framed in terms of hardship just to cover us for the next applicant?

RUPP: Yes, what I am really saying is that I think that is what should be done here.

SIGILLITO: Every franchise is going to have the same hardship.

VON DER LIETH: Okay, everybody if we are finished with that, let's get on withLyn is there new business?

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BEER: Are we authorizing a resolution of approval for next month, or are you having him come back with additional information?

VON DER LIETH: We are not making them come back next month. We are granting approval subject to the façade sign, Brigitte?

BOGART: Yes, just make them submit the dimensions that they had suggested.

VON DER LIETH: Okay, we are going to grant an approval based on them submitting their dimensions for the façade sign and as long as it meets the criteria, okay?

BEER: Now, you are doing it with the resolution that they are going to submit the information to the Zoning Officer and he makes that determination, is that what you are saying?

RUPP: See, I really think that we really need, you might want to grant a variance to the extent that one is required for that façade sign, because if I were to read that ordinance literally, that exceeds the 8 to 12%.

LUDWIG: Is anyone going to have a problem with that sign if it does exceed the 8 to 12%?

VON DER LIETH: No, I don't think that anybody does. The business is going to go down the toilet if they can't see the sign from Kinderkamack. I am just saying, I am with you, Mr. Rupp, yes.

BEER: Grant the variance, that is what the Board is here for. The Board has enough grounds to grant that.

VON DER LIETH: That is exactly right, thank you.

NEW BUSINESS:

None

CORRESPONDENCE:

N.J. Planner re: July/August - distributed

APPROVAL OF MINUTES:

The Chairman entertained a motion that the August 2012 minutes be approved as submitted. So moved by Mr. Hoskins and seconded by Mr. Raman.

ROLL CALL:

Ayes: Mr. Brennan, Mr. Capilli, Mr. Hoskins, Mr. Raman, Mr. Walker

Abstain: Mr. Flaherty, Mr. Sandler, Mr. Sigillito, Dr. von der Lieth

VOUCHERS:

None

By motion of Mr. Capilli and a second from Mr. Walker, and carried unanimously, the Board entered into closed session at 9:02 pm.

ADJOURN:

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There being no further business to come before the Board, by motion of Mr. Capilli and seconded by Mr. Walker, the meeting was adjourned at 9:25 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber