

PLANNING BOARD MEETING
MINUTES OF THE REGULAR MEETING FEBRUARY 20, 2008

The regularly scheduled meeting of the Planning Board took place in the Council Chambers of the Town Hall on the above date. Chairman McCabe called the meeting to order and read the Open Public Meeting Act.

Members Present: Mr. Ricciardo, Mr. LeFrois, Ms. Unhoch, Ms Kithcart, Ms. Fowler, Mr. White, Mr. Caffrey, Mr. Vandyk, Chairwoman McCabe.

Members Absent:

ALSO PRESENT: Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Mr. Ken Wentink, Board Engineer, Debra Millikin, Deputy Town Manager, and Board Secretary Kathy Citterbart.

CONSIDERATION OF MINUTES:

Ms. Unhoch made a motion to approve the minutes of the January 29, 2008 meeting. Mr. Ricciardo second the motion.

AYE: Mr. Ricciardo, Ms. Unhoch, Ms Kithcart, Ms. Fowler, Mr. White, Mr. Caffrey, Mr. Vandyk, Chairwoman McCabe.

ABSTAINED: Mr. LeFrois

HISTORIC RESOLUTIONS: There were none.

RESOLUTIONS:

#MNPFSV7-2007, North Park Urban Renewal Associates, Route 206 & North Park Drive, Block: 303, Lots: 26.06, 26.03, 26.02, 34 and Part of 26- Preliminary Site Plan and Variance.

Chairwoman McCabe stated: The resolution was requested by the applicant's attorney; Mr. James Fox to be carried to tonight's meeting. The applicant's professionals were in the process of working some details out.

Mr. Fox commented: I am pleased to report that we do have an approval letter from the Fire Marshall. There is one engineering issue that is still on the table that the parties are trying to resolve. I have spoken to Mr. Simmons about it as has our hydrologist. It has to do with the configuration of the water line. It also affects the Wachovia building. We will have it resolved when we come back in for final.

MNPFSV7-2007 Mr. White made a motion to approve. Ms. Fowler second the motion. Roll call vote:

AYE: Mr. LeFrois, Ms. Fowler, Ms. Unhoch, Mr. White, Ms. Kithcart, Chairwoman McCabe

OLD BUSINESS

#SP 08-07 Martorana Enterprises, Block 1201, Lots 5 & 5.03, 100 & 104 Sparta Avenue. Applicant is seeking approval for a major subdivision site plan to allow construction of 2 retail buildings.

Mr. Anthony Fiorello, Esq., represented the applicant.

Mr. Thomas Donahue of Donahue Engineering, sworn.

Mr. Soloway stated: Ms. Kithcart recused herself. Her sister is on the 200 foot list. Bob Caffrey took her place.

Mr. Fiorello stated: I think that her recusal is well advised. She recognized that. I have no difficulty with her actions. She did not participate in the deliberations.

Mr. Soloway stated: There was so much confusion as to whether the clock tower was part of the application. Mr. Fiorello indicated that if it didn't deprive this Board of jurisdiction the applicant would like it to be part of the application. Thereafter, the applicant submitted revised plans including revised architectural. The clock tower was not on the architectural so Mr. Wentink and I concluded that it wasn't part of the application. I spoke on the telephone with Mr. Fiorello to confirm it. He indicated that no he would still like that opinion. Mr. Fiorello stated: I have changed my mind again. We don't have a clock tower so we don't need your opinion respectfully with respect to this is one of those ancillary issues. These plans came rolling in the office and I had a chance to look at them after the discussion and saw that the architect had eliminated the clock tower. We do not need to address that issue. Since our last hearing, Thomas Donahue from Donahue Engineering, who is our client's expert has prepared and submitted revised site plans. I would like to call him to testify concerning those plans, the changes he has made and the comments made by Mr. Wentink.

Mr. Fiorello questioned: Mr. Donahue you have prepared a revision to the original site plan for Martorano Village? Mr. Donahue stated: Yes. Mr. Fiorello questioned: Your latest revision is what date? Mr. Donahue stated: February 7, 2008. Mr. Donahue stated: Mark as Exhibit A-2, Site Plans, 8 pages.

Mr. Donahue stated: Sheet 2 of 8 entitled Site Plan and talk about most of the changes. The 12,000 square foot building was moved to the southeast provide 30 feet from the proposed curb line. The two-way aisle way was also shifted to the southeast to maintain that 30 foot area from the property line to the curb. This matches the westerly border which provides a 30 foot property line and curb line dimension. We shifted the proposed dumpster areas to the northwest corner of the proposed building. We eliminated one drive-thru and indicated 2 loading/unloading spaces on the northerly side of that building. We eliminated the parking spaces on the southerly side of that building and shifted those underneath the proposed 28,390 square foot building. Mr. Fiorello stated: The 30 foot

area would now constitute a buffer along the property line? Mr. Donahue stated: Yes. Along with the westerly border of the property line too. That is a 30 foot area that could be tree buffered, which we are proposing.

Mr. Fiorello questioned: The proposed dumpster location, how will they be handling that in terms of construction and anything done to encapsulate them from view? Mr. Donahue stated: The details that are shown on the site plan shows a fence enclosed around it. The trash enclosure is shown on page 8 of 8. There are masonry walls on the side of the trash enclosure and a front with a gate with a latch that will secure the door that will swing out. Mr. Fiorello questioned: The dumpsters that are enclosed in that area and out of site? Mr. Donahue stated: Yes. Mr. Donahue stated: We have modified the proposed entrance driveway to the two retail buildings. We have widened it to provide a 30 foot wide aisle way at the entrance where it intersects Sparta Avenue. This would eliminate the adjacent driveway which is on the applicant's property and combined to have one access point into this property. The applicant is also providing 20 foot drop curb area to provide access to the adjacent property's garage. Along the frontage at the entrance the applicant is proposing a sign which is set back 20 feet from the curb line. There is detail of the proposed plan on the site plan which is conforming to the Zoning requirements. The applicant is proposing 278 parking spaces for Lot 5.03, which is the 2 proposed buildings, 4 spaces more than the proposed uses would require for that zone. Proposed Lot 5 which covers the existing buildings, the applicant is proposing 143 spaces and 127 are required. Along the rear of the front retail building we are indicating a loading and unloading area where are entry doors into the rear of the building. That area now will be striped off for a loading/unloading area. Adjacent to that, the parking space isle way was revised and 1 or 2 spaces were eliminated from and indicates 143 parking spaces.

The proposed retaining walls along the northerly side and westerly side to the curb line or slightly behind the curb line to provide the maximum buffer possible behind those walls in the two areas. That is most of the changes on the Site Plan.

The Grading Plan is modified along the westerly corner to provide a berm area. The berm is approximately 4 feet higher than the proposed curb. The plantings would be planted along that and on top of that to provide more buffer.

Mr. Fiorello questioned: There was some discussion last time about the height and size of the arborvitae or coniferous plantings that would be there. That planting would be on top of the 4 foot buffer? If they were 10 foot plantings, that would add an additional 4 feet so that you would be screened by the berm as well as the coniferous arborvitae on top. Mr. Donahue stated: Yes.

Mr. Donahue stated: Most of the changes on the Grading Plan we tried to minimize the amount of disturbance beyond the proposed walls and grading areas tried to provide many of the existing trees to remain.

Mr. Donahue stated: Lighting Plan. We are waiting for the lighting details from the Town Engineer. We requested those right after the meeting last time. We have not

received any information regarding the proposed light fixtures that the Town would like us to install. The proposed plan was revised. I am taking off all the lighting that was being proposed and wrote a note that the item be designed in accordance with the fixtures being provided by the Town of Newton. Ms. Millikin stated: I did receive a call from our Town Engineer, Mr. Simmons. He did indicate that he received a call and he was gathering all the information. He wasn't sure exactly which ones we were looking for. So I told him Wachovia, Kohl's, even our lights on Spring Street. He is going to give them a bunch of different designs. Mr. Fiorello stated: Mr. Donahue called me because he was anxious to have the designs so he could put them on the lighting plan. Whatever your plans are, we will incorporate them in the lighting plan.

Mr. Donahue stated: The Landscape Plan. This plan was revised to indicate a perimeter buffering. Norway and blue spruce trees, 8 to 10 foot in height. There are 46 of them. There is a note indicating those trees would be planted in between the existing trees that are there to remain and to provide as much buffer as possible. Mr. Wentink stated: Most of the existing trees out there are hard woods. I went out there Thursday. You could easily see an estimated 200 feet into that property from the back yard of the west corner opposite where the 12,000 square foot building is. Chairwoman McCabe questioned: In your estimation, is this enough planting or should there be more? Mr. Wentink stated: It should be stipulated in writing that the evergreens that are planted in two rows and staggered so that you don't wind up with the gaps in between. Mr. Fiorello stated: We have no problem with that and it can be implemented in the field around the existing trees that are there. Save those trees that are there that are not to be disturbed and implement them with the staggered evergreens so that there is a continuous line of site buffering from the applicant's property to those neighbors surrounding it. Chairwoman McCabe stated: So there would have to be more trees. Mr. Ricciardo stated: Is that what you are indicating that you should have one row and then a staggered row between those in the back? Mr. Wentink stated: No. When you plant evergreens for screening you plant two rows and you don't put one tree directly behind the other. Mr. Donahue stated: You have a back row and a front row that are offset. Ms. Unhoch questioned: Mr. Wentink what is your height recommendation for the newly planted trees? Mr. Wentink stated: For ease of purchasing and ease of handling you shouldn't go more than 6 feet.

Mr. Fiorello questioned: Why don't we address Mr. Wentink's review letter dated February 14, 2008? Mr. Donahue stated: The first page is the completeness of the minor subdivision plan. Second page are also comments regarding the subdivision plan.

Mr. Soloway questioned: Mr. Wentink the subdivision application was only submitted, are you recommending that it be deemed complete? Mr. Wentink stated: I would say it's complete but there are things that have to be done on them. One of the big things on it is they really don't have the existing lot line between Lot 5 and 5.03. It runs like a lightning bolt from Sparta Avenue back to the property corner. Mr. Soloway questioned: Mr. Donahue is there any reason it's not on the plan? Mr. Wentink stated: It's more of a subdivision issue than a site plan issue. Mr. Donahue is not a surveyor. He didn't do the subdivision. Chairwoman McCabe questioned: Who did the survey? Mr. Donahue stated: DMC Associates, they are the project surveyor. Mr. Fiorello stated: The site plan shows the proposed lot line adjustment because Mr. Wentink pointed out

before the previous subdivision line zigzagged through the property. It makes a much neater adjustment of the proposed lot. Mr. Wentink stated: Essentially the new lot goes around the existing building. The existing buildings are all on one lot and the proposed buildings will be on the other lot. Chairwoman McCabe questioned: If we don't have the existing conditions in order to make a judgment on a subdivision, how can we deem it complete? Mr. Soloway stated: I agree with the Board. If you are going to have a lot line adjustment, it indicates you need 2 pieces of information and you only have one that tells you where they are going but haven't told you where they are. Is there any reason why you can't submit that? Mr. Fiorello stated: No other reason than more delays. The surveyor can graph on the existing lot and the proposed lot Mr. Donahue can't he's an engineer not a surveyor. We will have to go back to our surveyor to do that.

Mr. Ricciardo questioned: Why are they subdividing this piece when they are being developed by the same person? Mr. Soloway answered: Mr. Wentink indicated it was a crazy line and they were just trying to straighten it out and reflect the realities in terms of what is already there. Mr. Fiorello stated: I think you are correct. The testimony was that the lot line that ran through was a lightning bolt so this was more of a reconfiguration of the lot line.

Mr. Donahue stated: Site Plan Review on Page 2 of Mr. Wentink's review letter talks about the shift in the 12,000 square foot building. The movement of the proposed dumpster location, the shift in proposed parking spaces underneath the larger building and the driveway access, along the strip, which was an easement to the adjacent property. There was an easement description submitted to the Board's attorney for his review. Mr. Soloway stated: Yes, Mr. Wentink in his report under site plan review notes that the northerly driveway has been moved into the strip that's border of Lot 29 that's covered by an easement. I was provided with a copy of the deed that seems to create the easement and based on my review of that I'm not sure what the easement means to meaningfully address that. I did call Mr. Fiorello to speak to him about this. He indicated he was going to reach out to the closing attorney. An easement does exist. It is in the area indicated. Mr. Wentink's question was which is the dominant estate and which is the serving estate which means who is the easement run to and whose land does it burden. I'm not sure. Mr. Fiorello stated: In speaking with Mr. Wolentovich which is the closing attorney and has the title that the property is owned by Martorano Enterprise and the easement runs to the owner of Lot 29, which is to the North of that driveway. The easement permits him to have ingress and egress to a garage that he has that you can see on the drawing. The easement runs to the benefit of Lot 29 gives him the right of ingress and egress over the easement area so that he can access his garage because that is the only way he can get to his garage.

Mr. Soloway stated: I think that is the better reading of that. If that's the reading, then looking at the plans, I'm not sure whether you're revised entrance way doesn't interfere with rights of the owner of Lot 29. It looks like you are running a curb down the middle of easement in a way where the owner of Lot 29 would not be able to make a left turn coming out of his driveway to go out to Sparta Avenue. Mr. Fiorello stated: You can see the 20 foot wide depressed curb that allows him to go directly into his driveway. That is a bank run driveway now. Mr. Soloway questioned: When he comes out of that driveway

on Lot 29, can they, consistent with your circulation plan, make a left turn to go out to Sparta Avenue? Mr. Donahue stated: Yes, they would be able to come out and make a left hand turn to go out to Sparta Avenue. Mr. Ricciardo stated: They would be making a left hand turn into the entrance. Mr. Wentink stated: The issue here is he's backing out. Then should show and maybe the applicant would want to put a facility on there for him to do that. Mr. Soloway questioned: Who has the responsibility to maintain that easement? Mr. Fiorello stated: We do and we would. Mr. Soloway stated: That's where I am confused by this document. These aren't things that get done in a site plan. There is language in it that indicates that the easement is to the benefit of grantor, whoever the seller was in this deed and that the grantor agrees to maintain it to allow for uninterrupted access. Who is the grantor? Is that your clients predecessor or Lot 29's predecessor? Mr. Fiorello stated: My client's predecessor. He is in the chain of Title. The easement was for ingress and egress to allow the owner of Lot 29 and his successors to be able to get to his garage. The grantor agreed to maintain the driveway to enable him to continue to use that easement. Mr. Soloway stated: There is language at the end of this easement that says that the above described premises shall merge with and become a part of Lot 29. What do you make of that? Mr. Fiorello stated: It's not clear. It's clear that it's an easement for ingress and egress. A fair reading of the deed is that the owner of Lot 29 was in order to get access to his garage granted an easement for ingress and egress for that purpose. Mr. Soloway stated: It was done in 1986. Mr. Ricciardo questioned: Mr. Soloway do you agree with that? Mr. Soloway stated: That's probably the fairest reading. The phrase "merge with and become a part of" means it becomes part of Lot 29. If it became part of Lot 29 you would need the consent of the owner to this application and would become part of the application and that might create a notice issue. I do agree with Mr. Fiorello that that kind of merger would have been illegal in the absence of a subdivision and does seem to go against the intent of the language that preceded it which was that is an easement being granted. His reading makes the most sense. Mr. Ricciardo questioned: Who maintains the easement presently? Mr. Fiorello stated: I don't know. I don't think anybody maintains it. The owner of Lot 29 has a construction company so it enables him to get to his driveway. Mr. Ricciardo questioned: Have you maintained it since you have owned the property? Mr. Fiorello stated: We certainly will maintain it.

Chairwoman McCabe questioned: What is the length of the driveway from the drop curb to the garage? Mr. Donahue stated: 25 feet. Chairwoman McCabe stated: I am just thinking if there is distance for him have a turn around space so he's never backing in. Mr. LeFrois stated: It creates a unsafe condition. Mr. Wentink stated: I don't think there should be backing out. Mr. Kienz stated: I agree with that. Mr. Wentink stated: It would have to be a 20 foot radius for a turn around. Mr. Fiorello stated: We can move that roadway southerly to create more of a turning radius for Lot 29. Mr. Donahue stated: It's approximately 15 feet that you can shift the intersection area in a southerly direction. That would provide a larger driveway area. Mr. Ricciardo questioned: What if the owner of Lot 29 wants to maintain his easement? Does he have trucks back there too? Mr. Fiorello stated: Yes. That house is for sale. I don't know what's going to happen to it. The grantor is in our chain of Title. If necessary, and for purposes to improve this easement, may modify it providing that the modification does not diminish the use of the same for the owner. Mr. Ricciardo stated: By eliminating that would you not be diminishing the use by allowing the stacked vehicles if he had 3 cars and could stack

them in that easement as a parking space? He wouldn't be allowed to park in the driveway of the entrance to your new office complex would he? Mr. Fiorello stated: No. He can park within his easement. Chairwoman McCabe questioned: Will you be extending his driveway another 10 feet? Mr. Donahue stated: Yes. Chairwoman McCabe stated: You will give him a 35 foot driveway instead of a 25 foot driveway? Mr. Soloway questioned: Did your client discuss this at all with the owner of Lot 29? Mr. Fiorello stated: No. Mr. Ricciardo questioned: How would you eliminate that easement? Mr. Fiorello stated: We are not going to eliminate the easement. All we are doing is configuring the paved portion of it and still have an easement to come in and come out to get to his driveway. Mr. Soloway stated: They can't eliminate the easement without the consent of the owner of Lot 29. Mr. Fiorello questioned: Can we say to the owner of Lot 29 that he can no longer back out of there, he has to pull out? Mr. Soloway stated: It would make sense for the applicant to get the owner of Lot 29 and afford him some kind of arrangement.

Chairwoman McCabe questioned: Mr. LeFrois what difference does that 35 feet make as opposed to the 25 feet? Mr. LeFrois stated: You need a satisfactory amount of space just for a car let alone trucks. It's hard to say. Maybe Mr. Donahue could see if they could provide a "T" off his driveway to give him a place to turn around.

Chairwoman McCabe questioned: How many feet would you say are from the beginning of the ingress to the drop curb? Mr. Wentink stated: 80-90 feet. Mr. Ricciardo stated: They can make one driveway at the low end three lanes wide. Take the length of property in front of it and make it a stacking lane and have a right hand lane, left hand turning lane and an entrance lane. We are talking potential for fast food restaurants which could generate 680 cars a day. Discussion ensued.

Mr. Soloway stated: If the Board approves the application, make clear that its approval is keyed to a certain set of assumptions in terms of uses. Also indicate in the resolution that if and when there is any actual proposed development onsite they have to get site plans for that use. Mr. Ricciardo stated: I can't digest information without knowing who is going to occupy space and what kind of volume they will generate. You are asking to go on an assumption that there will be 4 fast food restaurants and 2 banks.

Mr. Ricciardo stated: I am very concerned about the circulation on the site and in and out of the site. Ms. Unhoch stated: For safety as well.

Mr. Ricciardo stated: I made a suggestion at the last meeting that I wanted the building moved from the rear of the property to up front and move all the parking to the rear of the property. Where you have the first 2 aisle of parking, adjacent to that headed in the easterly direction. As far away from the residential units as possible.

Mr. Ricciardo also stated: There was no Environmental Impact study required based on the fact that they did not have to provide one since they had some approval from DEP. Is it within the Board's jurisdiction to request an Environmental Impact Study? Mr. Soloway stated: There is something in the ordinance, Section 20, 5-4. The ordinance says that there are environmentally lands on the site you can require an Environmental

Assessment which would include sufficient information to assess the proposals impact on those lands. Mr. Fiorello stated: We have to be bound by the ordinances. This provision that was just cited hasn't been brought to our attention before. It's not a requirement in your submission information. This land is not environmentally sensitive.

Mr. Ricciardo questioned: Will the drainage at the southeast corner of the property affect the adjacent wetlands in any way? Mr. Wentink stated: He followed the State drainage regulation in his designs and yes the water will flow there into those wetlands but generally is permitted. The only difference will be he's reducing the volume of water because now it will be concentrated. Mr. Ricciardo questioned: Does that have an impact on that particular environmental area? Mr. Wentink stated: No because he is putting that water in there. This is why I was concerned about his outfall structure on his detention basin. If he does anything that infringes on that transition area, he has to get a general permit from the State.

Chairwoman McCabe stated: Talk about the drainage one more time and exactly how the drainage will go in one area of the property and where it will drain for another side of the property. Mr. Donahue stated: Drainage system. There are 2 infiltration basins which will take the roof runoff. Those are sized with 100 year storms so any water that comes off the roofs will go underground. From the parking lots, sidewalk or driveways will be picked up in a drainage system and discharged into an above ground detention basin and to an outlet structure to the transitional. Mr. Fiorello questioned: What is the purpose of the detention basin? Mr. Donahue stated: To collect the storm water runoff and reduce the amount for certain storms. Chairwoman McCabe questioned: Is there any way in a detention basin of this design that oils and gasolines that run off from the parking areas are dissipated somehow? Are they treated? Mr. Donahue stated: We are proposing a storm septic unit prior to it going into the detention basin.

Mr. Soloway requested: The snow removal needs to be shown on the plan. Mr. Donahue stated: We can provide another gate. Mr. Ricciardo questioned: A means for them to bucket load the snow in through the gate into the gate? Mr. Donahue stated: Yes.

Mr. Donahue went on with his report: #12 Water and Sewer. The applicant agreed to have the Town Water and Sewer Engineer to review the plans. We have not received his comments to date. We will comply with their requirements and suggestions.

Mr. Donahue stated: #14 Loading spaces. There are 2 loading spaces for the 12,000 square foot building and for the 28,000 square foot building has loading and unloading areas along the driveway. Mr. Ricciardo questioned: How does the tractor trailer get in and maneuver around the new islands to load that store? Is there a diagram on a truck route and how the truck turns? Mr. Donahue stated: We can provide that for you. They back into that area that's why the adjacent parking double parking islands was modified so that maneuver can take place. The aisleway adjacent to that is 38 feet wide and the traffic engineer will testify to that. Discussion ensued.

Mr. Ricciardo questioned: I don't see dumpster that are relocated along the back of this building. Mr. Donahue stated: They are not located on the plan. I have to discuss that

with the applicant. Chairwoman McCabe stated: The 24 foot width, if there are bollards that needs to be indicated. Mr. Wentink stated: 4 feet is a reasonable number because of the control there. Mr. Donahue stated: If needs to be modified, it can be. Chairwoman McCabe stated: You may have to make the area smaller,.

Mr. Soloway stated: #14 If you proposing fast food restaurants in the 12,000 building Mr. Wentink doesn't see how you are going to have loading spaces. Mr. Wentink stated: He eliminated one drive-up window but he has 2 loading spaces. Mr. Soloway questioned: You are not proposing a drive-thru there? Mr. Donahue stated: We have one drive-thru on the westerly side of the building. We are not proposing one on the northerly side. #16 The applicant will comply. #17 Retail sign. Mr. Wentink stated: I have an issue on the free standing sign. Mr. Donahue shows it by the easterly driveway. That's the only sign that would tell the public about the buildings and the tenants in the rear. Would also think that there should be a sign by the other driveways. Those 2 signs become billboard signs because they are not on the lot that they are advertising. Mr. Soloway states: This goes back to not knowing what is happening here. We don't know the uses here. Mr. Fiorello stated: There is one sign on the northerly side on Lot 5.03 and another sign on Lot 5.

#23 The subdivision will be revised to indicate the adjacent driveway. #24 NJDEP requirements for a dam permit. Will comply with their requirements if necessary.

Chairwoman McCabe opened up the floor to the Board for questions.

Mr. Ricciardo questioned: The 12,000 square foot building the dumpster locations are on the northern side of that building, how are they emptied? Mr. Donahue stated: The dumpsters that are inside will be rolled out too a waiting truck. Mr. Ricciardo questioned: Where are the dumpsters for the other building? Mr. Donahue stated: They are on the southeasterly corner. There are 4 units at that location. Mr. Ricciardo questioned: They would be emptied in the same manner? Mr. Donahue stated: Yes. Mr. Ricciardo questioned: What about the dumpsters for the existing? Mr. Donahue stated: We will show them on the plan as to where they are relocated to.

Mr. Ricciardo questioned: Go back to the paved area, Existing Gravel area and Fence To Be Removed. You are going to construction asphalt paving lot? Mr. Donahue stated: Yes, in those areas right now it is gravel and we are proposing to construct an asphalt parking lot. Mr. Ricciardo questioned: Also where the 2 of the 25 foot aisle above #15, will that also be paved? Mr. Donahue stated: Yes. Mr. Ricciardo questioned: Then you are going to install a new chain link fence around the rest of the gravel area with a gate in it so they can get a front end loader or some kind of machine to lift all the snow from the property and stack it in that particular area? Mr. Donahue stated: Yes. We are proposing to construct a gate connecting the 2 existing fences to enclose that area and also install a gate to the area which is indicated as future parking area. Mr. Ricciardo questioned: What about the existing storage that occurs by the client who occupies the warehouse which is Ridgewood Plumbing Supply? He presently has oil tanks, corrugated pipes, duct line pipe and various other supplies that they sell. Will that be eliminated from that space? Mr. Donahue stated: I can't answer that. Mr. Martorana

responded: Yes. Mr. Ricciardo questioned: Where is he going to put that stuff now, inside? Mr. Martorana stated: Yes. Mr. Ricciardo questioned: Will he be using the second loading dock where it is stored now? Mr. Martorana stated: I'm not sure how is going to load the material inside and outside. My last discussion with them was they do not need the area so they can consolidate. Mr. Ricciardo questioned: They will consolidate that material where, inside the building? Mr. Martorana stated: Yes. Mr. Ricciardo questioned: That type of material would be loaded where through the front loading dock and carried through the building? Mr. Martorana stated: On the front loading dock they have a door right there. Mr. Ricciardo questioned: They would approach that loading dock from what direction? The tractor trailers would back into that area to unload the supplies? Mr. Martorana stated: That's how they currently do it now. Mr. Ricciardo questioned: They would then carry it through the door where it says RAMP? Mr. Martorana stated: Where the word elevated is, through that door right there.

Mr. Ricciardo questioned: Is that gravel area big enough where if we had one foot of snow it would fit in that area? Can you stack that much snow in that area? At the last meeting we discussed not pushing the snow into the buffer area but loading it into the gravel area. How much snow can fit in there? Mr. Donahue stated: I haven't calculated that.

Mr. Ricciardo stated: The entrance should be consolidated on the southeast corner and put a right hand turn lane, left hand turn lane and an entrance lane and put a stacking lane along Newton-Sparta Road by cutting into the existing lawn area. Mr. Fiorello stated: I don't know if that can be done. Along the property line there is A17, A18, A19 those are wetlands flags. Mr. Ricciardo stated: They can move these lanes to the north.

Mr. Ricciardo stated: The delivery truck route. I want to see the schematic and templates on how the trucks are going to circulate to make deliveries for the Quik Chek and fast food deliveries.

Mr. Soloway stated: The plans indicate these fast food restaurants and the bank is that the proposal or not? Mr. Fiorello stated: They are going to be uses consistent with your ordinance. Mr. Soloway stated: If the Board approves this, those references would have to be removed from the plans. Mr. Fiorello stated: I would have to think about it. Ms. Unhoch stated: You are asking for approvals that the Board doesn't know.

Mr. White questioned: I want to go back to the driveway. The one at the northern most end. How are we going to rectify it? Should we go with Mr. Ricciardo's suggestion? We you going to move that entrance, was that going to drop down 10 feet?

Mr. Donahue stated: We were going to slide that 10 or 15 feet to the west/southwest changing that to have access from the existing entrances to the rear with a larger driveway. I believe our traffic engineer will discuss that.

Mr. Fiorello stated: The northern aspect of the curb line is for the driveway. There is room to move that down to straighten out the line. Mr. Ricciardo questioned: Can you show me what you are proposing to do? From what point to what point do you intend to

change that driveway location? Mr. Donahue stated: We are going to shift the driveway to the south and also flatten out the curb rather than coming in and then angling, it will be more of a rectangle. Mr. Ricciardo questioned: So you are going change the radius of the curb at the entrance at all? Chairwoman McCabe stated: That is a very difficult exit. There is hill to the left and you can't see oncoming traffic coming toward you. Mr. Fiorello stated: Our traffic engineer has addressed that concern. Mr. Ricciardo stated: That report is put together very well, but it's all based on assumption. Discussion ensued.

Mr. Vandyk questioned: Is there any sidewalks? Mr. Donahue stated: No, there is no proposed sidewalks in that matter. Chairwoman McCabe stated: We will be addressing the sidewalks within the development for pedestrian safety.

Ms. Fowler questioned: What about handicap parking? Mr. Donahue stated: Throughout the proposed development there are handicap parking spaces indicated on the plan. There are 4 adjacent to the 28,000 square foot building and 4 additional spaces by the 12,000 square foot building. Mr. Ricciardo questioned: Is there any handicap underneath the one building? Mr. Donahue stated: Not right now. Mr. Ricciardo questioned: How do you get from the parking to the floor above, is there an elevator? Mr. Donahue stated: You would have to review the architect's plans for the elevator. I know there is a sidewalk with steps on the northern corner so you would walk out through an opening then walk up the stairs to the sidewalk.

Chairwoman McCabe opened the floor up to the public.

Ms. Beverly Boyd, 75 Pine Street. Lot 4.15. We have concerns with regard to the detention basin. What are the dimension of the detention basin? Mr. Donahue stated: It's triangular in shape and approximately 200 feet in length by about 60 feet across. Ms. Boyd questioned: How close is that going to be to our property? Mr. Donahue stated: Approximately 30 feet. Ms. Boyd questioned: How much water will the detention basin contain, what is the capacity? Mr. Donahue stated: It is designed to comply with the State standards and State regulations. Different storms have different volumes. Ms. Boyd questioned: How much of a buffer is proposed between my property line and the detention basin? Mr. Donahue stated: It shows 10 feet. Ms. Boyd questioned: When it empties out, will the water go on to my property? Mr. Donahue stated: No. Ms. Boyd questioned: Does it border on or enter into the flood plane? Mr. Donahue stated: No, not to my knowledge. Ms. Boyd questioned: Will there be a risk of water retention that would cause stagnant water to build up causing a higher risk of attracting mosquitos and a risk of disease? Mr. Donahue stated: No. Ms. Boyd questioned: What impact do you think this will have on the property values? Ms. Unhoch stated: Call the tax assessor and see him.

Chairwoman McCabe stated: I have asked our planner to do an evaluation of the property and prepare a report and also asked a traffic engineer to prepare a report as well.

Mr. Fiorello stated: May I request that when those reports are prepared that I can get a copy so that we can share that with our traffic engineer and our planner.

Mr. Andy VanOrden, 1 Linmor Avenue, Block 2102, Lot 1.57. My back yard is part of the buffer zone into the wetlands area that runs between my property and Pine Street Park. When I was here last month I asked a question and was uncomfortable with your answer. My question was the proposal is for 6.4 acres of land to be cleared. 6.4 acres of trees are going to be removed and the amount of rain water runoff is going to be reduced. Your answer was that is correct. Mr. Donahue stated: I'm not sure of the quantity of trees. I can't think that total area is all trees right now, but the proposed design the storm water management designs require the most runoff to be reduced as compared to the existing. Mr. VanOrden questioned: Are you familiar with the term transpiration and trees and how they dissipate water? Mr. Donahue stated: A little bit, yes. My drainage calculations are based on these regulations for the State. They were reviewed by the Board's engineer and were accepted. Mr. VanOrden stated: I understand and this is where my concern comes in. I did some calculations and went back and did some research and found that Rutgers University stated that our annual rain falls is about 47.18 inches per year in the State of New Jersey. That's over the last 10 years. I calculated the 6.4 acres. That area receives about 6.8 million gallons of water per year. Based on the foliage there I took very conservative estimates of about 150 trees per acre. That would put 1 tree for every 290 square feet which is a pretty sparse thin tree area. Based on general figures which I got off the internet through the United States Environmental Protection Agency where they state that a mature tree with a 30 foot crown transpires approximately 40 gallons of per day. On average trees here are foliated about 6 months year. My calculations come out to 6.9 gallons of water per year that a tree will actually transpire up into the atmosphere which will not result in runoff. My question to you is if 6.9 million gallons of water can be transpired and you remove those trees how could the amount of rain water runoff be reduced when easily 6.9 million gallons is going into the atmosphere? Mr. Fiorello stated: I am going to object to the question as it has assumptions and data that is totally outside the scope of this gentleman's expertise. Mr. Donahue stated: I cannot answer his question based on his calculations or his suggestions but I can only state that my design is based on the State regulations which requires an analysis to be completed and it was reviewed by your Board's engineer to be in accordance with those regulations and satisfactory.

Mr. Ken Hardmeyer, 70 Pine Street. I have a question regarding flooding. Mr. Donahue did you look at the flood plane map for the area, the one that FEMA published? Mr. Donahue stated: Yes, off the internet. Mr. Hardmeyer questioned: Can you tell where those lines are in relationship to your project? Mr. Donahue stated: No, the FEMA map was of the general area, it wasn't specific as to the flooding conditions in this overall general area. I don't see any flooding conditions that they have indicated. Mr. Hardmeyer stated: I believe the map says the flood plane in that area was undelineated, is that correct? Mr. Donahue stated: That's my recollection. Mr. Hardmeyer stated: It means that they have not done the hydrologic studies or the engineering studies to determine exactly where it is, correct? Mr. Donahue stated: That's what it usually says, yes. Mr. Hardmeyer questioned: It could be on your property? Mr. Donahue stated: I can't answer that. Mr. Hardmeyer questioned: Why not? Mr. Donahue stated: I can't state that it could be on the property, it could not be on the property. I'm not going to take a plan prepared by FEMA that estimates something and compare it to a property survey. Mr. Hardmeyer stated: All towns that have flood insurance when they get in the

flood insurance program one of the stipulations was that they passed ordinances that there be no more building in the 100 year flood plan. Am I correct on that? Assuming that's true, I believe that it is incumbent upon the applicant to prove to us he is not building in the flood plane and that the release of his detention basin is not going to increase the levels in that flood plane. There are people in the neighborhood who are paying flood insurance. Mr. Fiorello stated: Mr. Donahue just so it is clear, there will be less run off coming from the site as it is presently designed. Is that correct? Mr. Donahue stated: Yes. Mr. Hardmeyer stated: There will not be less volume coming off that site. No way are you going to convince me of that. Mr. Donahue stated: The peak run off will be less. Mr. Hardmeyer stated: The peak run off is the rate. There is going to be more volume coming off that site and much more coming out of the end of your detention basin than comes out now. Mr. Donahue stated: Currently the site sheet flows across. Mr. Hardmeyer stated: Now you are collecting it and sending it to one specific point, one 18 inch pipe in my neighbor's back yard, within 10 or 15 feet of it. Mr. Donahue stated: No, the outlet structure is not within 10 feet of the neighbors property. Mr. Hardmeyer questioned: How close? Mr. Donahue stated: The outlet structure is 110 feet. Mr. Hardmeyer stated: Water can easily flow 110 feet and it's also flowing into the transition area and the wetland. Mr. Donahue stated: It is flowing into the transition area. Mr. Hardmeyer questioned: There will be a permit for that? Mr. Donahue stated: No. Mr. Hardmeyer stated: I believe general permit 15 requires outfall structures. Mr. Donahue stated: We are outside the transition area. Mr. Hardmeyer questioned: How much outside? You can swear to this Board that you will not outside somehow get into that transition area? Mr. Donahue stated: That is our application. Mr. Hardmeyer stated: I think there are some DEP people that might see that a different way.

Ms. Karen Frisbee, 15 Orchard Street, Lot 22.01. I would like to know how far the entranceway is from my property. I was told it was about 10 feet. Mr. Donahue stated: There's a driveway which is 30 feet away from your property. Ms. Frisbee questioned: The retaining walls and the buffers, where exactly will they be located? Mr. Donahue stated: They are adjacent to the curb which is also 30 feet away from your property. Ms. Frisbee questioned: How high would they be? Mr. Donahue stated: At this location at the corner of the building, it's 3-1/2 feet down into the parking lot area. It's not up towards your property, it's going to drop down into the parking lot. Ms. Frisbee questioned: Would the lighting face only the parking lot area or would it face my back yard area? Mr. Donahue stated: My understanding is that it will only face the parking lot area. We have not received the light fixtures yet. Chairwoman McCabe stated: We are going to be very careful with the lighting. We are going to take very good care to make sure the lighting is going to be very low and will not interfere with the adjoining property owners.

Mr. Leonard Boyd, Jr., 75 Pine Street. The tree situation in the back. I have walked these woods and I have seen the root systems and we recently had a very severe ice storm. Many of these trees have suffered severely. How many trees do you plan to replace? Mr. Donahue stated: The evergreens indicated on the plan. We are going to maintain in that area as many existing as possible. We are proposing 46 be installed around the perimeter or more. Mr. Boyd stated: They would sustain the water run off that we are experiencing in our yards? Mr. Donahue stated: I can't answer which way

the water is flowing from or onto your property. Mr. Boyd questioned: You mentioned soil or erosion, who is going to monitor that? Mr. Donahue stated: The County Soil and Conservation.

Chairwoman McCabe questioned: Do you have water on your property Mr. Boyd? Mr. Boyd responded: Yes, tremendous amounts due to the ice storm. Chairwoman McCabe questioned: Which is your property? Mr. Boyd stated: Lot 4.15. Mr. Ricciardo questioned: Is that whole area wet now? Mr. Boyd stated: Yes it is. Mr. Ricciardo questioned: Mr. Wentink did you walk back into that area? Mr. Wentink stated: We walked it when the application first came in October 2007. The day after this ice storm I walked in Lot 4.01, off by the 12,000 square foot building and I looked in there. I was just looking to see the building and what we were dealing with. I was more concerned with the difference in elevation between those lots and the applicant's property. Then I walked in somewhere around Lot 4.09 and some of those lots have timber retaining walls. There is like 10-15 feet difference in grade between those lots and the applicant's lot. It's something to walk back there and see them. Mr. Ricciardo questioned: You didn't walk along the Lot of 13, 15 or 17. Mr. Wentink stated: I was more concerned with the buildings. The detention basin is an area of no activity. Once it is built it just sits there and the water will build up and the water drains out. The State says that these drainage facilities have to drain out in 72 hours. They just sit there until you have another major rain event. Mr. Ricciardo questioned: At what time of the year is that wet? Is it wet all year, is it constantly soft and soggy? Mr. Wentink stated: When I walked through there in October there were places I was hopping from one place to another to not get wet. Chairwoman McCabe questioned: Mr. Boyd what time of year do you get the most water on your property? Mr. Boyd stated: This time of year Spring/Early Spring. The trees are coming down too. They are falling left and right. These trees that you are planting, how do they stand in this type of weather if we do get much weather in this build? Will they sustain growth or move growth due to the amount of water running? Mr. Donahue stated: They would continue to grow. Mr. Boyd questioned: Once these trees start to grow let's say this is enough to maintain the water run off. You said they monitor the soil erosion. Weather means a lot in this area. We are suffering tremendous amount of damage and homeowners are concerned about this.

Chairwoman McCabe stated: Mr. Donahue, it would seem from what the property owners are saying that a lot of water travels to the West off of this property on to their properties and they get a lot of moisture. Is that what I am hearing, that you get a lot of run off from this property? Ms. Frisbee stated: Yes, we are on the lower end. There is a tremendous difference between the elevation between the next door neighbor's yard and ours and the last house. The last 2 houses are very low and we do get a tremendous amount of run off. Mr. Donahue stated: I can't answer if the water is traveling in a westerly direction and flooding out the lower. As far as I can tell from the grade here, it is not traveling in a southwesterly direction, it's more in an easterly direction. Mr. Wentink stated: It's primarily over the site in an easterly direction.

Mr. Soloway questioned: Is the water going to be draining from this detention basin onto any of these lots? Mr. Donahue stated: They haven't been designed that way. Chairwoman McCabe questioned: You are going to have some kind of curb along the

westerly side to prevent any run off? Mr. Donahue stated: Yes, there is a driveway with curbing and a drainage structure to pick up any water. Ms. Unhoch questioned: Who maintains the detention basin? Mr. Donahue stated: The applicant.

Mr. Ricciardo questioned: Your discharge structure that you intend to build at the detention basin appears on the drawing to be right on the wetlands limitation line or in the general proximity within inches of it. How do you intend to construct that without disturbing any of that wetland? Mr. Fiorello stated: Mr. Donahue indicated that there could not be any disturbance in the transition. Mr. Ricciardo questioned: Couldn't you put a silk fence along there to prevent any of the run off? Mr. Donahue stated: We are proposing a silk fence along the edges of the disturbance in that area, along with an orange construction fence. Mr. Ricciardo questioned: How close the end of that spillway is to your wetland line? Mr. Donahue stated: About 2 feet.

Mr. Soloway questioned: Mr. Fiorello to the extent necessary is the applicant consent to an extension of time? Mr. Soloway stated: The applicant consent to a time of April 16, 2008.

Mr. Ricciardo stated: Does anyone on the Board think an Environmental Impact Study is necessary? Mr. Soloway stated: Mr. Fiorello is correct in that it is not a submission item. I agree with that in the way the ordinance is phrased. The Board would have to determine whether the lot contains any sensitive lands which the Board thinks might be impacted by the proposal. Chairwoman McCabe stated: The Board will require an Environmental Impact Study. Mr. Fiorello questioned: What is it based on? You have to establish a basis. Discussion ensued.

Mr. Ricciardo stated: If you can come back to us and prove that it is not within the 100 year flood plane based on the FEMA map, then I would say we don't need an Environmental Impact Study. If you can't prove that to me and there is a question in my mind, I want the Environmental Impact Study. Mr. Wentink stated: There is a section in the ordinance that says 15 percent slopes. If you look on sheet 3 of 8 there's areas in back of Ridgewood Plumbing Supply that may be 15 percent. The areas near the 28,000 square foot building there are areas that are possibly over 15 percent. Under that section of the ordinance a Board would be entitled to.

Chairwoman McCabe stated: Mr. Fiorello if at any time during the process the Board determines we require it, then we require it. It is a very sensitive area that the Board would be more comfortable with making a final determination on this if we have an environmental impact.

Mr. Soloway questioned: Does the Board want to give the applicant a little more guidance in terms of the scope of exactly what it is that it's requiring? Just an environmental assessment. Chairwoman McCabe stated: I would like to know what impact it has on the wetlands and on any sloped areas. Mr. Ricciardo stated: My concern is the wetlands and how it's going to affect the volume of water in the wetlands. Mr. Soloway questioned: Ms. Millikin is there anything in the ordinance that defines exactly what is required as part of the Environmental Assessment? Ms. Millikin stated: I don't

think so. Mr. Soloway questioned: Mr. Fiorello can we get a report from a qualified individual assessing the impact, if any, of the proposed development on the adjacent wetlands, on any sloped areas of the property? Mr. Wentink stated: That's what you would do in an EIS. Mr. Fiorello stated: For the next meeting we will provide a limited Environmental Impact Statement. Mr. Wentink suggests: It would be good for the applicant to get an appointment with the County Planning and Engineering office. We have 3 driveways and if the County says they won't approve it, it means a complete redesign. Mr. Fiorello stated: We will take the suggestion under advisement.

Mr. Ricciardo made motion to Adjourn. Ms. Unhoch second the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 10:39 pm. The next regular scheduled meeting will be held on April 16, 2008 at 7:30 pm in the council chambers of the Municipal Building.

Respectfully submitted,

A handwritten signature in cursive script that reads "Katherine Citterbart".

**Katherine Citterbart
Planning Board Secretary**