

**BOROUGH OF WOODCLIFF LAKE
PLANNING BOARD
MARCH 24, 2008, 8:00 P.M.
MINUTES**

Call to order:

The meeting was called to order at 8:00 p.m. at the Borough Hall by the Chairman.

Adequate Notice Statement:

The Chairman announced that the Meeting, in accordance with the Open Public Meetings Law, P.L. 1975, Chapter 231, was announced at the Reorganization Meeting held on January 14, 2008 in the Municipal Building. Notice of this meeting was posted and two newspapers, The Record and The Ridgewood News, were notified. Notice was also provided, in accordance with the Open Public Meetings Law, of the Planning Board's intention to conduct formal business at this Meeting.

The public is advised of the Planning Board's rule that the meetings will be concluded by 11:00 p.m.

Flag Salute

Roll Call:

George Fry, Chairman	Present
Robert McDonough, Vice Chairman	Present
Kenneth Glemby	Present
John Glaser	Present
Bruce Mautz	Absent
Mayor LaPaglia	Present
Willford Morrison	Present
Al Dattoli	Absent
Robert Boffa	Present
Joseph Langshultz	Absent
Peter Michelis	Absent
Dennis Deutsch, Esq. (substituting)	Present
Elliot Sachs, Engineer	Present
Donna Holmquist, Planner	Present
John Pavlovich, Traffic Engineer	Present
Kathy Rizza, Secretary	Present

Minutes: 2-11-08

The minutes from the February 11, 2008 Planning Board meeting were approved, as amended, on a motion from Mr. Glaser, seconded by Mr. Morrison, and carried by all.

Russo Development

364 Chestnut Ridge Road

Block 402, Lot 5, Tracts 1 and 2

360 Glen Road

Block 402, Lot 6

Andy DelVecchio was present as the Attorney for the applicant. This application was last before the Board on December 10, 2007. Mr. DelVecchio gave a brief history of the property and the application. Proposed is a 71,000 square foot building with 284 parking spaces, requiring 4 variances: parking stall size, steep slopes, retaining wall height and a "C" category variance for height for the roof top mechanicals. Russo Development has been trying to secure access through the Mack Cali property from the north. This access is not coming voluntarily. A letter from the Volunteer Fire Department was received in 2007. Russo Development has met with the Fire Department and satisfied their issues. They have met with the County on the access situation with Mack Cali. They are waiting for a meeting to be scheduled by the County with Mack Cali and the Borough. Mr. DelVecchio stated that he is concerned with time constraint expirations– due diligence. This site is not a workable site without this access or the left turn from eastbound Glen Road. They have asked the County for permission for a temporary left hand turn from Glen Road. They are willing to post additional escrow. The last time the applicant met with the County was January 8th. At tonight's Planning Board meeting the applicant is prepared to have testimony from their Engineer, their Architect, their Planner and Mr. Russo.

The Lapatka Associates site plan with a last revision date of 12-21-07 was marked into evidence as Exhibit A-12. The architectural plans under Russo Development with a last revision date of 12-10-07 were marked as Exhibit A-13. Exhibit A-12 was discussed first.

Mr. Morrison asked what the county said about the left hand turn. Why are they saying no? Mr. DelVecchio stated that it involved their design standards. Russo Development is waiting for a formal response. The plans show a left hand turn from Glen Road. Russo Development would like the Board to act favorably on their proposal, conditional on County approval. The left hand turn is only needed temporarily until the light is installed. Mr. Morrison asked the board Attorney if we can make a conditional vote. He was told yes.

Mr. Glemby asked Mr. DelVecchio if they gained access at the light, how long do you think it would take. Mr. DelVecchio guesses at maybe a year or longer.

The January 8th meeting with the County was discussed. Our Traffic Engineer, John Pavlovich and Mayor LaPaglia were both there. Borough Engineer Elliot Sachs was also present. The Mayor remembers the end of the meeting when Mr. Russo was asked whether or not he would work with the Town and the County to secure access. Mr. Russo had said that he needed to research this. The Mayor has not seen any correspondence expressing his willingness to work with the Town and the County on this issue. Mayor LaPaglia feels that the County was waiting for an affirmative response from Mr. Russo. The Mayor feels that by the applicant continuing with the existing application tonight indicates they are not willing to work with the Town and the County, which he feels would benefit both the applicant and the existing property owner. Mr. DelVecchio stated that he talks to Mr. Timsak of the County once or twice a week asking what they require from Russo Development. Russo Development is looking for a decision one way or the other. The due diligence period will expire soon. Mr. DelVecchio stated that the driveway connection sketch has been provided to the County. They are ready to bond for this. They feel that they cannot do anymore to persuade Mack Cali.

Mr. Edward Russo, 716 Coltsfoot Glen in Saddle River, previously sworn, spoke next. He stated that he wanted to appear before this board earlier, but was waiting for a response from the County. Attorney Deutsch asked Mr. Russo if they received an oral response from the County. Mr. DelVecchio stated only that Mack Cali will not respond. Mr. Del Vecchio's March 13th letter to Mr. Timsak was read to the board members, in addition to the February 1st letter. Mayor LaPaglia stated that Russo Development was told by the County Planner that a left hand turn was not acceptable. Mr. Russo stated that he understood that the County has made that decision. Russo has designed the left hand turn as per the county standards. Russo Development wants to know why it is not acceptable so that they can be creative and try to solve the problem. At this time the Board Attorney stated that the Board should not be swayed by the financial burden of the applicant. Chairman Fry stated that if the property is condemned, the condemner is monetarily responsible. Mayor LaPaglia stated that Attorney Paul Kaufman told him that condemnation has to be brought on by the County since both roads are county roads. Mr. Russo stated that they think Mack Cali should grant access. Russo Development wants to meet with Mack Cali and ask for access. If it is not granted then condemnation is an approach to be decided upon. Mr. DelVecchio said that the County will plan a meeting with Mack Cali, they just have not done it yet. Mr. McDonough asked when the due diligence is up. Mr. DelVecchio replied in early July. Chairman Fry asked Mr. Russo if he is ready to financially support condemnation. Mr. Russo stated that he really doesn't want to. The Mayor stated that this is a complicated issue; safety and traffic are concerns for the Borough. The owner of the property has stated that he feels the property is worth more than he is selling it for, which may be a problem, with contract extension. Mr. Russo disagrees. The Mayor suggested that maybe Mr. Tice could pursue the left hand turn situation with the County. Mayor LaPaglia did try to support Mr. Russo with this issue. He is surprised that Mr. Russo has not supported the Town and the County. Mr. Russo stated that the County has not responded. He is pushing for a formal response so they can understand why the County feels as it does. Mr. DelVecchio stated that he has been in contact with Mr. Kaufman. Mayor LaPaglia gave a history of the KinderCare

and Sunrise applications where it concerned no left turn in or out. Mr. DelVecchio stated that his clients will post a performance bond. Mr. Russo stated that he could live without left hand turns; they are just trying to avoid people doing illegally. Chairman Fry asked that if they get the left hand turn from the County, what motivation do they have to pursue with Mack Cali. The Chairman would rather approve the project with only right hand turns. Mr. Russo stated that escrow money and performance bonds would be in place. Mr. DelVecchio stated that the applicant cannot close on the property without knowing if they have left turn access. Due diligence is vital at this time. Chairman Fry again stated that he would like to see an application with right hand turns. Mr. Glemby added that this site needs access. More time should be requested from the owner. The site is worth more with better access. Mr. DelVecchio will continue to pursue the issues with the County. Mayor LaPaglia agrees with the Chairman on the preference of seeing an application with right hand turns. This leaves the burden on the applicant to pursue left hand turns. Mr. Russo is not convinced that the County would approve right hand turns either. He thinks that this is more undesirable to the County. Mr. Boffa stated that this a 'catch 22' situation – left hand turns or right hand turns. Attorney Deutsch told the Board to assume that if the Planning Board gives approval for right hand turns in and out only, and County approvals come later, the burden is on the applicant to come back to this board for left hand turns.

After a short break, the meeting resumed. Roll call was taken again, being the same as when the meeting commenced. Russo Development has decided to take the suggestion of the Board and will respond by the next meeting with their decision on how they plan to proceed. They would like to have their Planner, Mr. Peter Steck, testify at this meeting, since he is present. Mr. Steck, of Maplewood, NJ, has appeared before this Board in the past and has been accepted as an expert witness on a motion from Mr. McDonough, seconded by Mr. Morrison and carried by all present. Mr. Steck was sworn in by the Board Attorney. He has visited the site on two occasions. His conclusions are as follows: 2 lots with 2 homes, non-conforming, 4.198 acres, fairly visible, lawn developed, 3 road frontages: Chestnut Ridge, Parkway, and Glen Road. Exhibit A-14, 2 8.5" x 11" sheets of photos dated March 24, 2008 were submitted. These are site area photos. Mr. Steck went on to explain the proposed structure – a 2 story office building, a conforming use, 71,000 sq. ft., a class A office building with a very efficient design. This structure complies with the Master Plan of 2002. He summarized the relief needed: building height, less than 10% higher than the ordinance allows – a C variance; steep slopes, wall height, signage, parking stall size, and lighting insensitivity. He concluded by saying that the motivation is for a very efficient design with parking and loading under the building, only the best parts are seen. The tallest part of the building faces the Garden State Parkway. The applicant will comply with the soil erosion regulations. This is a premier site. Mr. DelVecchio asked Mr. Steck if a standing sign mimics the standards in the district. He was told yes. There will be 2 free standing signs; one at each driveway location. There were no questions for Mr. Steck from the Board.

Ms. Holmquist asked how far the residents were on the other side of the Parkway. Mr. Steck responded that they are approximately 300' away. There is no visual impact from the height variance. The parkway elevated overpass and the wetlands are a good buffer.

It was stated that the size of the signs will be 4' x 6' no matter how many tenants. Signs will be double-sided. Mr. Steck was asked the height clearance of the garage. Mr. Speck responded 15'. Mr. Boffa asked about the garbage containers. They will be in the rear in an 18' x 12' enclosure.

This matter was opened to the public on a motion from Mr. McDonough, seconded by Mr. Morrison. With no response from the public, the matter was closed to the public on a motion from Mr. McDonough, seconded by Mr. Morrison, and carried by all present.

This matter will return on April 14th. Time limits have been extended. Time being 10:00 p.m. – Mr. Ken Glemby exited the meeting.

Master Plan Discussion

Donna Holmquist of Burgis Associates was present for this discussion as the Borough Planner. Ms. Holmquist stated that the Master Plan needs to be updated every 6 years. It is not a very involved document. Ms. Holmquist suggested that we incorporate green building and sustainability. Mayor LaPaglia thanked Ms. Holmquist for her work on COAH recently. The Board members will be receiving copies of the final document.

Ms. Holmquist reviewed the 2 proposals submitted to the Borough of Woodcliff Lake. The first is to update the Master Plan at a cost of \$8,000.00. This figure has been inserted into the 2008 municipal budget. The second proposal is more expensive - \$40,000. This is a Broadway corridor study. This dollar amount is in the budget tentatively. The Planning Board needs to decide the proposals they wish to support. Ms. Holmquist thinks that the train station area and Broadway need attention. This would be a labor intensive effort with a lot of field work and environmental constraints. Ms. Holmquist went to a Hackensack River keeper seminar where she met Mayor LaPaglia and Chairman Fry. C1 regulations were referred to. Exceptions were discussed. The other portion of this study would be a redevelopment of the area. Ms. Holmquist will show Board members what she has done in other towns. Mayor LaPaglia spoke of Broadway from Hillsdale north, pointing out mixed uses. Ms. Holmquist stated that conceptual renderings could be done. She first needs to look at the demographics. Conceptual plans need to be developed with recommended zoning changes supported by the Planning Board and then recommended to the Mayor and Council. Ms. Holmquist would like to make the train station area inviting for commuters and to have an inviting downtown area. Mr. Glaser asked about increasing density, providing for COAH capability, providing for cheaper housing and providing for more parking. Ms. Holmquist stated she would like to see more character and more vibrancy to enhance what is already there. We need to pay attention to building heights. There was discussion on making a joint presentation with renderings on this proposal study to the Planning Board and the Council. Mr. Boffa stated that most people in this town seem to meet at Fuscus Market or at the Ecology Center. Mr. Morrison stated that there is a lot to accomplish along Broadway, but there is a limit as to what can be done. This was all talked about in the prior Master Plan. Mr. McDonough would like to see a visual concept that would be unique to Woodcliff Lake. Chairman Fry is also in favor of this. He feels this is a very dated area. He is also a big supporter of a parking garage and residential apartments.

Chairman Fry continued by saying that convenience is needed. Mr. Glaser stated that a nice downtown sounds attractive, but is it doable? The train station needs updating and the strip mall needs an uplift. Putting it all together would be the job of Ms. Holmquist.

This matter was opened to the public on a motion from Mr. McDonough, seconded by Mr. Morrison, and carried.

Sharon Bongard of Pascack Road stated that this has been an interesting discussion. Mrs. Bongard asked what people who own property along Broadway will say regarding this redevelopment. Ms. Holmquist stated that she is formulating a plan and modification to zoning only. Ms. Bongard also asked about Powder Hill Developers. Chairman Fry stated that this matter is in litigation at this time.

The public session of the meeting was closed on a motion by Mr. McDonough, seconded by Mr. Morrison, and carried.

It was decided that Burgis Associates will make a presentation to the Planning Board on May 12, 2008.

The meeting was adjourned on a motion from Mr. McDonough, seconded by Mr. Morrison, and carried.

Respectfully submitted,

Kathleen S. Rizza