

**WEST CALDWELL PLANNING BOARD
PUBLIC MEETING MINUTES**

June 13, 2016

A Public Meeting of the Planning Board of the Township of West Caldwell was held on June 13, 2016 at 7:08 P.M. in the Municipal Building, 30 Clinton Road, West Caldwell, New Jersey. Chairman Richard Mudd opened the meeting and read the opening statement.

ROLL CALL

Members Present: Mr. Martorana, Mr. Dremel, Mayor Tempesta, Chairman Mudd, Ms. Marchetti

Members Absent: Mr. Cecere and Mr. Palmisano

Advisors Present: Gregory Castano, Esq., Daniel Bloch, Planner, Lynda Korfmann

APPROVAL OF MINUTES

The Minutes of the November 23, 2015 Public Meeting were approved by the Board members present who were entitled to vote on the Minutes.

The Minutes of the February 8, 2016 Public Meeting were approved by the Board members present who were entitled to vote on the Minutes.

The Minutes of the March 28, 2016 Public Meeting were approved by the Board members present who were entitled to vote on the Minutes.

The Minutes of the May 8, 2016 Public Meeting were carried until the next meeting to allow for discussion and correction, as may be needed or desired by the Board.

RESOLUTION

PB16-02, 11 Jackson Road Realty Associates, LLC, 666 Passaic Avenue, Block 1002, Lot 34, Zone M-1 District. Approval of variances for (a) parking; (b) loading platforms; (c) lot frontage; and (d) maximum building coverage. The memorialization of the Resolution was carried to allow the Board to discuss and revise the proposed form.

HEARING

PB16-01, MBF Auto RE, LLC, 1220 Bloomfield Avenue, Block 1700, Lot 1, B-3 Zone District. Preliminary and Major Site Plan approval with variances; proposed demolition of existing structure and construction of a new building for Mercedes Benz automobile dealership.

Applicant's attorney Richard Schkolnick, Esq. entered his appearance and provided a brief opening statement.

The initial Evidence Markings list was approved, the Board Secretary acknowledged that the notice requirements were satisfied for this application and taxes were confirmed to be current.

Mr. Schkolnick stated that a new 65,608 sq.ft. state of the art MB dealership with customary accessories is proposed for the site. Such accessory uses include a car wash, garage bays, customer lounge. Entrance to the West Caldwell building will be in Fairfield. He acknowledged that there is a pending land use matter in Fairfield for the adjacent site. He stated that the West Caldwell property is located in a B-3 zone and an automobile dealership is a permitted use. He added that he will present testimony from an engineer, architect, planner and the COO of the company. Civil engineer is Mark Walker; fire safety/water expert is Gerry Naylis; architect is Jonathan Penney; COO of the dealership is Roger Pittman; and the Planner is Mike Petrie.

Testimony of Mark Walker

Mr. Walker of Dykstra Walker was sworn in, recited his credentials as an engineer and was accepted by the Board as an expert. He testified as follows:

- Exhibit A-26 was marked into evidence. Aerial view of the existing conditions in the West Caldwell and Fairfield properties, dated 2/10/16. He noted that the West Caldwell property is about 3 feet higher than the Fairfield property; however, both are in the flood zone. He quoted FEMA elevations and acknowledged that both sites are regulated by the NJ DEP. He noted that the drainage ditch that runs between both properties has wetlands associated with it, a 50 foot riparian buffer and wetland buffer. He added that the rear is designated as an exceptional resource area and the buffer is 150 feet. Applications are pending with the NJ DEP and the applicant has not reason to doubt that the applications will not be approved.
- Exhibit A-27 was marked into evidence. Color rendering of the proposed sites in West Caldwell and Fairfield super imposed on the aerial photograph. The redevelopment site was explained – 6.648 acres, 2 points of ingress/egress, proposed gates on each side to prevent public access to the rear, 27 visitor parking spaces (10 x 20) and display parking; handicap parking; loading area; access to the loading deck for roof access; fire markings in rear; walkway from the front door to the sidewalk; handicap access to the building from the side. He also provided a brief explanation of the renovation work at the Fairfield site including the demolition of about 13,309 sq.ft. of the building that will be removed and replaced with parking. Net fill calculation is helped by this building removal.
- He explained that the new building will have a crawl space under it with flood gates to allow for the flood water to flow freely below it.
- He explained the use of the adjacent Sprinter site for conversion vans.
- He indicated there would be a cross access between the parcels so that amenities at the West Caldwell dealership could be used by the Fairfield site.
- Dynamic Traffic report was referenced – significant sight distance exists as the property is straight and flat.
- Parking mentioned – 358 parking spaces – 27 customer; balance for storage, vehicle display and employee use. He reviewed the parking calculation and concluded that the 3 different methods are satisfied. Mr. Martorana interjected that he believes any condition of approval will not require a variance for parking due to the roof detail for parking. However, if this property ever ceases to be used as an automobile dealership, a new occupant will not be permitted to use the roof deck parking and will need to satisfy the parking requirement.
- Parking Spaces/Areas. Mr. Walker noted that parking in the front yard setback is 75 ft in B-3 zone. The applicant has 61 parking spaces provided, as is customary for a dealership. Front spaces are consistent with other dealers in the area. Currently have about 42 spaces in the front setback area.
- Dead end spaces. About 23 spaces are dead end spaces – a pre-existing condition on an area in the rear about 10 feet from the property line. No access aisle is possible – 9 x 30 spaces with 17

ft. aisle to be used for car storage and repair area. No public access to this area. The applicant is constrained by wetlands restrictions in this area.

- Size of parking spaces. 17.5 ft on the roof; not the 20.0 ft required. 10 x 20 is the standard size in West Caldwell (and all spaces in the front will be this size); service and inventory to be 9 x 20 or 9 x 17.5; this size may be reduced to 9 x 17.5 with a 3.0 ft overhang. On the roof the spaces will be 9 x 18. Roof parking helps reduce impervious coverage and helps satisfy MB corporate requirements for certain number of vehicles on site.
- Drive Aisle Width. The applicant deviates from this requirement only on the roof – 24 ft.
- Hairpin Striping. Striping will be done in the front is required by the Board. The applicant prefers none in the rear where there is no public access.
- Parking Area. None needed.
- Loading. Requirement is for 4 loading spaces. Applicant is providing 3 spaces. Other professionals will discuss this item; however, no tractor trailers will be on site to deliver vehicles; box trucks will deliver parts at the rear near the dumpsters.
- Easterly Side Line. Parking is between 7.9 ft and 8.5 feet from the side property line. Requirements are for 10.0 feet. This condition is a pre-existing condition and hard to move due to DEP regulations.
- Side Yard Setback. The West Caldwell regulation provides a formula that takes 35% of the lot width. This lot is extremely wide at the front so that calculation is significant. Mr. Martorana stated that this regulation is applicable, but the Applicant should provide testimony of the need.
- Building Coverage. Requirement is 25% and applicant has only 22.7%.
- Lighting. Exhibit A-29 was entered into evidence. Marked as Heat Map showing Foot Candles measured on the site. Different colors noted for different readings. Variance needed for light intensity along Bloomfield Avenue and along the common property line with the MB property in Fairfield. The average foot candle is ½ foot candle at Bloomfield Avenue – no impact or glare at that location. LED downlights with security lighting plan of 9 fixtures (4 in the front, 5 in the rear) to be activated from dusk until dawn. Lighting at the pavement ROW line slightly exceeds the allowable light. Mr. Walker acknowledged that he did not take ambient light into account in the area. In response to Mr. Martorana’s question, it was noted that the light temperature will be about 4,000 to 4,500 (per architect).
- Landscaping. Rose bushes added along the front of sign and hedge (reference to A-27). Screen for vehicles in ROW area; added planting in islands and shade tree and junipers. These plantings help break up the mass of the building. Variance needed for screening – near the service doors and the 5 loaner car parking spaces. Mr. Martonara stated that variances are not needed.
- Storm water Management. Impact minimized by modified grading. Water will be directed toward the county system and county is reviewing the plan. Some infiltration proposed at the front of the building so that the applicant does not increase the flow to the county system.
- Phase I from 2014. This investigation performed by Professional Services, Inc. of Schenectady, New York. Concern prior to purchase was of the hydraulic lift area on the interior and these were removed prior to closing. No contamination was found. Three monitoring wells exist on the property, but not related to any issue with the property.
- Sanitary Sewer. Slight increase in the system. It will be pumped into the ROW on Bloomfield Avenue. Designed so rate of effluent will match current flow so no impact on any of the infrastructure down stream.
- Traffic. No traffic expert retained because use is permitted. Report marked as A-20.
- Car Wash. Recycle system proposed. 48 gal/car. 36 gal are recycled with 12 gal of make up water added. 12 gal to go into the sewer system. The estimate is 125 cars/day. Private usage only, not a public car wash.

- Questions from the Board included: Chairman Mudd confirmed that testimony will be provided by others to address amenities used by the Sprinter dealership and no deliver of cars by tractor trailer. Mr. Martorana noted that the point of connection for the sanitary sewer is privately owned, not by West Caldwell. Mr. Bloch inquired about the parking ramp and the signage as well as confirmed that the rear dead end parking was on gravel (although DEP sees gravel and pavement the same).

Chairman Mudd asked if the public had any questions for this witness, but no one had any questions.

Testimony of Gerald J. Naylas

Mr. Naylas was sworn in, provided his background and credentials and was accepted by the Board as a fire safety expert. He shared his opinions on fire safety, protection and water.

- Water Supply. The water pressure was measure in front of the West Caldwell site and found to be 600 psi. This pressure is marginal to support sprinkler system and hose streams.
- Hydrants. Two exist – one in front of the West Caldwell site and one in front of the Fairfield site. Both are fed by West Caldwell. The Fairfield hydrant measured 335/gal min. However, a curb box valve was closed and that is preventing water from Fairfield to get to this hydrant. John Pressler from West Caldwell proposed a valve be installed about 60-70 ft. inside the West Caldwell line so that West Caldwell water may be shut off and Fairfield will energize the hydrant. The hydrant in West Caldwell will be sufficient to supply sprinkler system with water. The hydrant in Fairfield will be sufficient to supply water for hoses because anticipated at about 1,000 gal. An 8” valve at a cost of about \$8,000.00 to do this work.
- Fire Fighting on Roof Deck. West Caldwell fire officials concerned about ability to drive a vehicle onto the deck area to deliver fire fighting equipment. Solution is to have stand pipes in the stairwells (3” or 4” diameter) and take 1 parking space and convert it into a storage closet to hold fire fighting equipment such as hoses, nozzles and a pallet of absorbent material.
- Expert confident the applicant meets all standards, codes and performance guidelines for an adequate facility.

Chairman Mudd opened the hearing to accept questions of this expert by the public, but no one appeared.

Testimony by John Penney.

Mr. Penney was sworn in.

The Board took a five minute recess (8:20 -8:25 pm).

Mr. Penney recited his qualifications and experience as an architect and was accepted as an expert by the Board. He testified as follows:

- Floor Plan. He referred to Sheet PFP1 of 4/25/16 and provided a general overview of the building design and flow.
- Roof Plan. He provided a general review of the roof plan design.
- Front Elevation. (PE 1). Discussion of the materials to be used on the exterior of the new building noting that a variance for the parapet height is required. 28.0 ft permitted, but designed at 30’-6” per the request of the Township professionals so vehicles are screened from view.

- Maximum grade of the access drive. Drawing PFP 1 referenced. Discussion regarding the ramp slope – 10% allowed and design is for 17% as it is a private ramp. Mr. Martorana commented that no variance is needed as no access by public and no access by fire personnel. Ms. Marchetti pointed out that if there is no roof, then there are no height restrictions for vehicles. She suggested an elevator of a sufficient size to accommodate a stretcher (Striker Pro is 80” – 60”).
- Signage. Reference to drawing 13 of 13 (last revised 1/5/16). The front sign meets West Caldwell requirements. Variance needed for the pylon sign (set back for free standing sign – size is acceptable). Requirement is 25 ft, but design places it 10 ft. Variance also needed for directional sign – 6.0 sq ft allowed and the proposed sign is 18.3 sq ft.
- Questions – Mr. Dremel asked about snow removal from the roof top deck. Mr. Martorana inquired about the durability of the materials being used on the exterior. Noted as anodized metal, easily cleaned, good durability. Glass in front. Concrete block on sides and rear. Chairman Mudd inquired about the material for the directional sign and was told it was gray metal, similar to the exterior color/material.

Chairman Mudd opened the hearing to accept public questions of this witness, but no one appeared.

Testimony of Roger Pittman.

Mr. Pittman, the COO of the applicant’s ten (10) dealerships presented his background. He testified as follows:

- Delivery of Cars. No tractor trailers will be on site to deliver vehicles.
- Delivery on Site. Between the hours of 9-2, delivery trucks will have to pass through the locked side gates and proceed to the rear to make deliveries. Some of these deliveries will be by tractor trailers.
- Snow on Roof Deck. Experience is that the snow shall be plowed down the access ramp and moved by a bobcat. Pushing snow off the side of the building is not effective.
- Hours of Operation. 7:30 am for service until 8:00 pm for sales. 9 am – 6 pm on Saturday. Closed on Sunday.
- Lighting. Main lights shall shut off one (1) hour after the dealership closes. Security lights will remain on. Security system will have heat sensors to detect body heat and cameras with a speaker system.
- Car Wash. Service is only for new and service vehicles.
- Trash Removal. Scheduled early in the morning before the dealership opens, if possible.
- Oil and Waste Removal. The applicant shall have a contract with Lorco Company. This company manifests the removal and disposal of these materials.
- Employees. Maximum number of employees noted as 100 people. Maximum shift noted as 70 employees, but these employees shall be split between the two sites.
- Employee Parking. Currently employees are seen crossing the street from that site across the street. The new facility will have parking in the rear.
- Delivery of Vehicles. This delivery will happen offsite like other area dealers handle it. Delivery by tractor trailers will be at the old Justice Buick site.
- Sprinter Site. MB corporate requirements are that drop off and pick up may only be at one site, so the Sprinter will utilize the West Caldwell drop off garage bays and then these vehicles will be driven by MB employees across the access road to the Fairfield site.
- North side. Pre-owned sales will continue on this site along with small cleaning.
- Landscaping. For operational purposes, tree sap causes great damage to cars. Taller trees need to be placed in a way to avoid causing damage to cars.

- Construction. During construction vehicles will be transferred to a storage lot and shuttled up. The applicant anticipates 18 months of construction and some disruption.
- Directional Sign. The sign is needed from an operational standpoint and required by MB corporate. Need the sign at the size proposed to direct the public.
- Loading Spaces. Three spaces are proposed. Two parts vans will be accessing the site and different times and one extra space for FedEx. Deliveries by these trucks do not happen at the same time.
- Front Yard Parking. For successful business, the dealership needs to display product out front as is customary in this industry.
- Chemical Storage. The applicant shall meet all requirements. It hires an outside consultant (KPA) to evaluate its use and handling of chemicals (oil, coolant, etc). to ensure proper compliance.
- Questions by the Board. Chairman Mudd inquired about the sharing of services between the two properties. Mr. Pittman advised that that although the vehicles may travel across the internal bridge, separate parts department, etc. Mr. Martorana inquired about the security and asked if the applicant was opposed to consulting with the police department and agreeing to have its own security company be a first responder to false alarms (be it building alarm or car alarms). Mr. Martorana also asked the applicant to confirm that it agreed to comply with the performance standards of West Caldwell (such as noise, dust, etc.) Chairman Mudd also added that if there is a proposed fence area, no rolling or swinging gate is permitted unless the Board approves of the fenced area

Chairman Mudd opened the hearing to accept public questions of this witness, but no one appeared.

Testimony of Michael Petrie.

Mr. Petrie was sworn in, recited his qualifications as a Planner and was accepted as an expert by the Board. He testified as follow:

- He provided a general overview of the property being the gateway into West Caldwell from Route 46 corridor.
- He noted that the property was vacant for years.
- He added that variances are needed, but some for existing conditions.
- Lot Width. The Township's regulation requires 35% of the lot width. Due to the unusual shape of the property, it is difficult for the applicant to comply. He noted this variance as a C2 variance requirement that is met because of the aesthetic design placement. Also no detriment to the public. The property it is close to on the side, is a sister property and both lots will work together.
- Height. Height of the building was in response to the Township's professionals input. Parapet was raised due to their concerns. Benefit to the public.
- Loading Space. C2 variance; review of deliver procedure. Benefit to public because no increase to the parking or impervious coverage and no detriment to the Master Plan.
- Parking – Front Yard Area. He referred to exhibit A-30 which is marked into evidence. Aerial view of the adjacent parcels with the tax map and zoning map superimposed. The photo demonstrates the similarity of the zoning abutting the parcels. The photograph shows extensive front yard parking in both municipalities – pre-existing conditions in the area. C2 variance because the site is deemed appropriate place for this use and such a business requires display in the front. Also a C1 variance – wetlands in the rear preclude the applicant from moving the cars back. No detriment to public or the Master Plan if granted.

- Right Side. Pavement already exists at 7.9 ft – 8.5 ft off the property line. Wetlands prevent any movement of this parking area. C1 variance – ten (10 ft) required – minor deviation; no public detriment.
- Dead End Drive Aisle. Same criteria as Right Side setback. C1 as it is a re-use. Possibly a C2 seeing as although the parking could be removed, it then would have to be replaced elsewhere. No negative criteria as it operated as a dealership for years. No impact on the public.
- Side of Directional Sign. Circulation element required on site and the arrows and lettering need to be visible. Safety is a critical factor. C2 variance to promote the safe flow of traffic. The sign is back near the building and not a detriment to the public and is a benefit to the business.
- Setback Free Standing Sign. Sign committee may approve this item; however, the applicant elected to request a variance. Height and size of the sign comply. The variance is needed for the placement – 10 ft requested, but 25 ft required from the front property line. If comply with the regulation, the sign will have to be placed in the middle of the drive aisle. C2 variance as location demarks the driveway and provides appropriate driver signal from Bloomfield Avenue. The benefit is the safe flow of traffic. There is no detriment to the zoning ordinances or the Master Plan.
- Lighting Levels. The impacted area is the Bloomfield Avenue corridor. The lighting level is exceeded at the property line (2.2 foot candles), but only ½ foot candle at the street. On the common property line of the two properties, the applicant also exceeds the lighting levels. Adequate lighting is required at the roadway connection both properties thus, this variance is C2 for safety concerns. Also it benefits the traffic that will be using this area. The Bloomfield Avenue area is a C1 variance = as spillage only on the well traveled road and no detriment. No residential areas are being impacted by lighting.
- Screening. Not addressed as no variance is needed.
- Overhang on Roof. Any parking space less than 20 feet long, needs a 3 ft overhang. The roof stalls only are 17 ½ ft so C2 variance needed. Sufficient space for vehicle storage and this area is not for public access. Benefit is that there are a greater number of spaces on the property so less impervious coverage. Dimension variance is de minimus. Also a benefit is better storm water management since there is less coverage.
- Drive Aisle Width. Similar to Overhang – de minimus variance. No detriment to the public.
- Hairpin Striping. Not proposed on the rear spaces which is a minor deviation. Mr. Martorana added that the regulation applies to visitor parking and since this area is not to be used by visitors, it does not apply as it was intended for retail areas. Exhibit A-27 provides simple parking in the rear portion of the site which has limited access so no hairpin striping is required. There is a low turnover in these spaces and no public access so limited detriment.
- Master Plan. The use as a dealership is a permitted use. Operational items are not addressed in the Master Plan so really as a whole, the proposed design has a minor impact on the Master Plan.
- Comments by the Board. Chairman Mudd clarified that the Board did not meet with the applicant or its professionals prior to this evening. Only Township officials and professionals met with the applicant.

Chairman Mudd opened the hearing to accept public questions of this witness, but no one appeared.

Chairman Mudd opened the hearing to accept public evidence or comments, but none was presented.

A motion was made by Mayor Tempesta and seconded by Mr. Dremel to close the meeting. The motion was approved unanimously (5-0).

Comments by the Board: Mayor Tempesta complimented the solid team and stated that the development will be a great addition. Chairman Mudd agreed that the presentation was solid and the necessary proofs were presented for the required variances. Mr. Martorana prepared the following resolution.

A motion was made by Mr. Martorana to approve the application as presented and was seconded by Ms. Marchetti and was approved unanimously by a 5-0 vote of the Board. The approval shall be memorialized by Gregory Castano, Esq. Some discussion followed the approval for purposes of clarifying the resolution.

INVITATION FOR PUBLIC DISCUSSION

Chairman Mudd opened upon the meeting for public discussion, but no one appeared or wanted to be heard.

ADJOURNMENT

The meeting adjourned at 10:07 p.m.

Respectfully submitted,

Lynda Korfmann
Secretary to the Planning Board