

**BOROUGH OF NORTHVALE
PLANNING BOARD/BOARD OF ADJUSTMENT
MAY 7, 2014**

MINUTES

Chairman, Peter Perretti, reads the Sunshine Statement into the record at 8:00 p.m.

ATTENDANCE:

PRESENT: MR. PERRETTI, MR. AMORROSO, MAYOR PIEHLER, MR. DELAURA,
MR. DEVLIN, COUNCILMAN SOKOLOSKI, MR. VOLLMER,
MRS. WALKER (ALTERNATE #1), MR. SILLERY (ALTERNATE #2),
MR. BARGNA (ALTERNATE #3), MR. MORAN (ALTERNATE #4)

ALSO PRESENT: ATTY. JAMES DRONZEK, BOARD ATTORNEY AND
MR. PAUL NIEHOFF, BOARD ENGINEER

ABSENT: MR. GIANNOTTI, MR. TREBINO

REGULARLY SCHEDULED FORMAL MEETING

**APPLICATION OF CHO DAE PRESBYTERIAN CHURCH, 119 ROCKLAND AVENUE,
BLOCK 1007, LOT 1 AND 150 RAILROAD AVENUE, BLOCK 1007, LOT 2**

Chairman Peter Perretti, Mrs. Walker, Mayor Piehler and Councilman Sokoloski recuse themselves from this hearing.

Vice Chairman, Mr. Amorosso steps up to take over the meeting at this time.

Atty. John Van Horne III of Reeve & Van Horne, 65 North Dean Street in Englewood, New Jersey came forward. This is a continuation of an application for a modification of a site plan that was approved last year by the Board. There were open issues from the last meeting in which he would like to address.

The first issue was the whereabouts of an underground fuel storage tank at the property on 150 Railroad Avenue. Atty. Van Horne verified that the tank was disposed of and removed and is in accordance with State Law and local regulations. The applicant has a **No Further Action** letter of from the DEP. This is part of the record which was marked as **Exhibit A-3**.

The next issue was the fact that there were two containers or dumpsters that were on the subject property. These dumpsters were removed shortly after the meeting last month and are no longer on the property.

Mr. Michael Hubschman came forward with a revised plan. Mr. Niehoff said that all is good with him concerning the revisions.

Exhibit A-4 is the revised plan dated April 3, 2014 prepared by Michael Hubschman.

There were minor revisions that were discussed at the last hearing.

- He is not showing the grassy paver which is an emergency access for the fire truck to go through the Lot 2 area and there were three spaces and paving on that lot that were removed now.
- The fire connection was moved and the area was shown as a fire lane which is on the east side of the building.
- The traffic pattern in the front was changed to be a one way all the way to the center of the south side of the building.
- The architect made a revision to move the entrance to the west slightly and they redesigned the walkway in that area and they added some Cyprus trees.

The meeting was now **opened to the public**. Since no one from the public came to ask questions of the engineer, the meeting was **closed to the public**.

At this time, Mr. Michael Elkin came forward. Mr. Elkin is a licensed architect in the State of New Jersey for over 35 years and has testified before many boards in the State and has also testified before this Board. Mr. Elkin was sworn in by Atty. Dronzek and is qualified to testify before the Board this evening.

Mr. Elkin stated that the project building has been revised. The existing building façade will remain where it is - once the addition is removed. The new entrance is in the southeast corner. One of the major changes is the sanctuary itself which is in the center of the building. The original project had the sanctuary that sat approximately 950 people which included the first floor level and there was a balcony. The balcony was eliminated. There was an increase in the size of the footprint of the sanctuary which decreased the amount of spaces that were around it.

Mr. Elkin said that the two tenants have both been moved to the rear portion, side by side coming off the side of the parking lot.

Atty. Dronzek stated that this is an application for a modification of the site plan previously approved by the Board. The Board previously approved a variance for the use of this property as a Church which is not an approved use in the Light Industrial zone. Also, variances approved previously for C variances for bulk requirements for parking stalls – all

these variances are sought in this new modification application. The change is that lot 2 is now going to be used for parking which is not a use in the LI 7.5 zone.

The meeting was **opened to the public**. No one from the public came forward and the meeting was **closed to the public**.

A motion to **approve** the application was made by Mr. Vollmer, seconded by Mr. Sillery.

ROLL CALL: Mr. Vollmer, Mr. Sillery, Mr. Amorosso, Mr. DeLaura, Mr. Devlin, Mr. Bargna -
YES

**APPLICATION OF HIGH EXPOSURE, LLC, 266 UNION STREET,
BLOCK 302, LOTS 2 & 3 – “D” VARIANCE FOR NON-PERMITTED USE AND HEIGHT**

Atty. Mark Madaio came forward to represent the applicant. Atty. Madaio said that the applicant revised the application to incorporate 10 foot wide parking spaces. Testimony will be given as to the products that are used at this rock climbing facility.

Exhibit A-11 is a product which is a cement board – hardi plank siding – a non-flammable material

At this time, Mr. Michael Hubschman came forward. Mr. Hubschman submitted a revised site plan dated April 30, 2014. The site plan was marked as **Exhibit A-12**. The changes made to the site plan are as follows:

- Redesigned the rear lot to accommodate all parking spaces in the rear 10 foot X 18 and one regular circular pattern parking lot
- Added one more handicapped space
- Extended the walk on the side
- Curb stops are incorporated along the rear of the building
- Added the lighting plan – adding two lights in the rear

Mr. Myron Vigod, architect representing the applicant came forward. Mr. Vigod revised the architectural plans relating to the fact that if there were a fire if emergency services could get to the roof. Mr. Vigod said that on the south elevation, there is a fire ladder which is made by companies specifically that firemen could get to the roof. There would be a fire ladder that goes to the ground up to the first level of the roof and then another fire ladder which goes up to the highest roof. The one that goes to the ground is a fixed ladder. Mr. Amorosso stated that they don't need the ladder on the ground level. Mr. Vollmer and Mr. Sillery agreed also.

Mr. Vollmer commented that the ground level ladder could be placed on another part of the building so that there would be two accesses to the roof. Atty. Madaio agreed. Mr. Vollmer suggested maybe to place it on the northeast corner.

Atty. Madaio said this could be revised so that there are two ladders from the second level to the roof. It was noted that the ladder to get up to the roof is attached to the wall. Mr. Vigod will meet with the Fire Official so that the proper ladder will be used to make it easy for a fireman to climb with all the equipment they need to bring with them.

The egress analysis was discussed by Mr. Vigod. He noted that there are five egresses on the proposal. It is a sprinklered building.

Mr. DeLaura asked how many steps are on the ladder. Mr. Vigod would have to check on this. Mr. DeLaura asked how many pieces of equipment is a fireman to carry with them. Mr. Sillery answered – a rope, they may carry a hose pack on their shoulder; chances are that they will only have one hand available. They may carry a pipe pole, a power saw or an axe, a flashlight. At least two firemen would have to get up to the roof. Mr. Amorosso stated that the longest ladder is 35 feet.

Mr. Amorosso commented that the probably of flame resistant data was excellent.

Mr. Moran questioned the number of exits. There are five exits. Mr. Moran suggested reversing the doors. Mr. Vigod agreed.

The meeting was **opened to the public**. Since no one from the public came forward, the meeting was **closed to the public**.

At this time, Mr. Steven Edward Caton of 45 Chestnut Street, Rehoboth, MA. Mr. Caton was sworn in by Atty. Dronzek.

Mr. Caton will be working with the owner, Stephanie Shultz, in design, building and construction and with the operation after they are opened. Mr. Caton owns a climbing gym in MA and one in Fairfield, CT. Mr. Caton has been hands on in the construction of the climbing gyms.

Mr. Caton commented that the public is never in a trapped area. They are never in isolated places. If someone were at the top of a climb and the fire alarm went off, one could get lowered down rather quickly by experienced trained climbers.

Mr. DeLaura asked what the components are that make one course more difficult than the other. Mr. Caton said that there is a center that decides on different grips, different moves. The components make the climb more difficult. Mr. DeLaura asked how does the height come into the whole equation. He commented that if he were a climber, he would be more concerned with the course than the height. Mr. Caton said it is a combination. The extra seven feet is critical in the rock climbing process, height matters.

Atty. Madaio said the objective is not just improving skill. Part of the objective is to have fun, to be challenged, to enjoy it, to be excited by it, to feel the adrenalin sense of climbing a wall.

Atty. Madaio said that the negative criteria of the statute requires him to demonstrate that it has no negative impact on the neighbors, on the intent and purpose of the zoning ordinance or zone plan and all of that has to do what's around it.

Atty. Madaio said that this business does not have to be licensed by the State of New Jersey. There is a CWA – Climbing Wall Association who governs all the standards and who you get the insurance from. They have all the safety standards that are necessary to run this business. OSHA inspects the safety of the employee work force not the safety of the public.

Mr. Hubschman came forward to testify as a planner. A “D” variance is required for the use and the height. Three categories are that the site is inherently beneficial or a hardship or that where the property is well suited for the proposed use. The applicant is at the third category – the site is suited for the proposed use. Mr. Hubschman stated that the variance for the fitness and climbing use can be granted in accordance with the criteria. It is a low impact commercial use for the site and the positive criteria from the MLUL show that the site is particularly suited is to encourage a municipal action to guide the appropriate use or development of all lands in the State that would promote the public health, safety, morals and general welfare. This does not detrimentally impact the public welfare and does not conflict with the Master Plan.

There will be signs in the parking lot that the lot is subject to flooding. Atty. Madaio said that this is a fair condition.

The meeting was **opened to the public**. Since no one from the public came forward, the meeting was **closed to the public**.

At this time, a principal of Sign A Rama came forward. The height of the sign on the back of the building by the door is 45 ½ inches tall by 81 inches wide, just under 4 feet and just under 7 feet. It is a 4 X 7 sign made of acrylic, raised letters and is in the back for identification for people that park in the parking lot. A sign on the front of the façade is 11 feet tall by 20 feet wide. The decorations are a part of the sign. The sign on the front is illuminated. 24 sq. ft. is permitted and the back sign is one sq. ft. over, for it is 25 sq. ft. The front sign is 230 sq. ft. Wall signs not more than two feet high nor more 24 sq. ft. Mr. Perretti suggested that we hold off on the sign and the applicant should come back for the sign variance.

Atty. Madaio gives his summation. The applicant needs two use variance or “D” variances. One is for use not permitted in the zone. The other variance is for the height of the building.

There were no further questions from the board members or from the Board Engineer. The meeting was now **opened to the public**. Since no one from the public came forward, the meeting is now **closed to the public**.

Atty. Dronzek mentioned that the two principal use variances (“D” variance which requires five affirmative votes to approve this recreational use only). No cooking will be done on the site. The “C” variance would be for the parking spaces which is 10 feet wide and a vote on the site plan.

Atty. Dronzek was discussing the fact of voting on the two “D” variances separately. Mr. Amorosso stated that the application must be voted on its entirety. Atty. Dronzek said that if there is going to be a negative vote that the negative vote be announced as to why the negative vote was made.

Mr. DeLaura does not see any harm in voting on the variance separately. He said that the applicant can then decide if everything passes except one, they can still decide if they would like to go forward with the project.

Mr. Amorosso makes a motion to vote on all three facets of this application with an **approval**, seconded by Mr. Vollmer.

ROLL CALL: Mr. Amorosso, Mr. Vollmer, Mr. Perretti, Mr. Devlin, Mrs. Walker,
Mr. Sillery - YES
Mr. DeLaura - NO

The application was **approved**.

Regarding 154 Walnut Street, Atty. Dronzek would like to check with Borough Attorney, Greg Paster as far as changing it from Light Industrial to Residential.

Regarding changing the zone at 154 Walnut Street, a motion was made by Mr. Amorosso for the Planning Board to send a letter to Mayor and Council to change the zone to residential, seconded by Mr. Vollmer.

All in Favor - “YES”.

A motion to **adjourn** this meeting at 10:48 p.m. was made by Mr. Amorosso, seconded by Mr. Vollmer.

Meeting adjourned.

Respectfully submitted,

Laura Benvenuto, Board Secretary

