

**MUNICIPAL LAND USE BOARD MINUTES
BOROUGH OF EMERSON
Special Meeting of August 15, 2018**

This special meeting of the Emerson Land Use Board was held in the Municipal Building. Chairman Gary Schwinder opened the meeting at 8:07 PM. In compliance with the Open Public Meeting Act, the Clerk has notified The Record and The Ridgewood News of this meeting and notice has been posted in the Municipal Building.

Pledge of Allegiance

Roll Call:

Robert Adams	Absent
Alban Bresa	Present
Mike Cimino	Present
Tom Carlos	Present
Michael DeOrio	Absent
Gary Goursky	Present
Louis Lamatina, Mayor	Present
Evan Kutzin	Present
Steven Malone	Absent
Doug McKendry	Present
Norman Rieger	Present
Thomas Sudano	Present
Gerry Falotico, Councilman	Present
Gary Schwinder, Chairman	Present
Christopher Martin, LUB Attorney	Present
Gary Ascolese, LUB Engineer	Present
Bridgette Bogart, Borough Planner	Absent
Autumn Sylvester, For Brigette Bogart	Present
Michael Sartori, CCO/Zoning	Not Requested
Perry Solimando, DPW Super.	Not Requested
Robert Hoffmann, Borough Admin.	Not Requested
Marie Shust, Secretary	Present

The minutes of the previous meeting were not available and would be read at the next scheduled meeting. There was one voucher from New Jersey Media advertising this special meeting at a cost of \$40.20. Councilman Folotico made a motion to approve the voucher, second was made by Gary Goursky, all were in favor.

Chairman Schwinder asked Ms. Shust if there was any correspondence. He was given two letters from Bergen County Planning Board regarding the Wendy's application, which he read to the Board and the Public. Mr. Ascolese stated he had not received those letters and asked that a copy be sent to him.

Mr. Carmine Alampi was representing the applicants for the proposed Wendy's restaurant at the corner of Main and Old Hook Rd, Emerson Plaza, 411 Old Hook Rd, Block 1301, Lots 1.01 & 1.02.

Mr. Alampi stated that the restaurant was a permitted use for that location, however the drive through was a conditional use. Mr. Martin asked Ms. Bogart if variances were required, to which she replied a 'D' variance would be needed. Mr. Martin then recused Mayor Lamatina and Councilman Folotico.

Mr. Alampi continued that this location would be the new style Wendy's and presented the site plans with the necessary variances. He further stated that the restaurant is a permitted use, the drive through is a conditional use, the size, quantity and location of signs would require variances, as would the outdoor eating area which would be piazza type.

It was the intent of the applicant, Wenesco, to demolish the current building, construct a new one story building, improve traffic circulation through the plaza with modified egress and ingress, move the driveway further south, and adjust the downgrade and soften the stairs.

Mr. Alampi said they would be hearing from the traffic engineer for the project, Eric Houf of Bertini Engineering. Mr. Alampi stated that the current building had been vacant for several years and the benefits of this application would be explained later by Mr. David Spatz, their planner.

Mr. Colisto J. Bertin, of 66 Glen Rd, Glen Rock, NJ was introduced. He explained he was licensed, qualified and in good standing to testify in New Jersey, New York, Connecticut, Massachusetts and Rhode Island. He further explained he was familiar with the site as he was a former resident of the area.

Mr. Bertin went on to explain the site was in the CB district, where the old Bank of American had been, which is the RC zone, with 80% existing impervious coverage. He said they are proposing a new two-way driveway into the restaurant site with a 3-4 ft. median.

Mr. Alampi asked Mr. Bertin to explain the existing plan. Mr. Bertin referred to page C2.2, marked Exhibit A2, showing the existing building which would be demolished, the in/out driveway, and the entire plaza.

Mr. Martin asked Mr. Bertin to mark the packet consisting of 13 sheets, dated May 30, 2018 – unrevised - as Exhibit A-1.

Mr. Alampi stated the plan does not affect the Shop Rite on the 'L' shaped lot on Main St. North at Old Hook Rd east.

Mr. Schwinder stated that currently there is a one-way driveway into the plaza on Main St and a one-way exit driveway on the southerly side of the Main St. There are two entry driveways on Old Hook Rd eastbound, the easternmost exit being a two-way driveway with a right hand turn only onto Old Hook Rd.

Mr. Alampi pointed out the proposed in/out driveway on page C2.1, marked Exhibit A-3. He then went on to page C2.8, marked Exhibit A-4, which showed the driveway improvement to the current entry to Shop Rite, which would have curb and island, remove the existing building and driveway, move the driveway south on Main St. approximately 15 ft. He stated that he had met with Eric Timsak of the Bergen County Dept. of Planning & Engineering, however he had not received a copy of the letters read earlier and asked that copies be emailed to him, as well as Mr. Ascolese and Mr. Martin.

Mr. Mc Kendry asked what effect this plan would have on Old Hook Rd., Mr. Bertin replied it would be widened. Mr. McKendry then asked how the entry would affect northbound traffic on Main St. He wanted to know if there was enough room for a third "left hand turn" lane. Mr. Bertin replied the light is 100 ft. from the driveway, and should not be problematic. He stated that delivery trucks would use the two way driveway into the lot and loop into the site.

Mr. Goursky wanted to know about the exit onto Main St. Mr. Bertin replied the Wendy's exit would be a right only.

Mr. Bertin continued that the walkways would be improved to meet the streetscape specifications.

Mr. Alampi then referred to drawing C 2.5, marked Exhibit A-5, explaining the Landscape which was dated August 15, 2018. He stated there were 78 inside seats which would be located on the Old Hook side, 12 outdoor seats, which would be seasonal, 32 parking spaces, 2 of which would be handicapped spaces, new walkways on Old Hook, pedestrian access to the stairs and the stairs would be reconstructed for easier climb. There would be two "order" lanes, which would merge into one "pick up" lane and exit.

Mr. Alampi continued that the lot is in the RC zone with residential on the south side, Westwood residential into commercial/industrial on the west side, and office buildings on the north side of Old Hook Rd. He continued with information regarding the parking space size, the turning ratios, and driveway widths. He stated garbage pickup would be made during off hours and in accordance with the Emerson Ordinance.

Mr. Schwinder wanted to know if the garbage area would be enclosed. Mr. Bertin explained there would be an enclosure as shown on page C3.3, which would be located on the easterly side of the lot.

Mr. Alampi continued that any drainage problems would be addressed as shown on Exhibit A-6, with a drywell under the proposed patio area.

Mr. Alampi then referred to drawing C2.5 and asked Mr. Bertin to describe the lighting plans. Mr. Bertin stated there were 5 poles at the driveway, and several shoebox type lights along the pathway.

Mr. Bertin continued that three of the four trees would be removed, 2 along Old Hook Rd. and 1 in the middle of the lot. They would plant three trees in other areas and meet with the Shade Tree committee, since there was not enough room for additional trees on the site. He stated the end caps would be striped not curbed to allow for the turning ratio. He also stated there would be 232 shrubs as well as ground cover throughout the site.

Mr. Kutzin asked about the intensity of the LED lights and was told the fixtures would be controlled for brightness and spillage as shown on C2.5 and C2.6.

Mr. Alampi then went on to the signage. Mr. Bertin said there were three signs on the Western elevation. Mr. Schwinder asked about the pylon sign, how high and how big. He thought it was not necessary since there were signs on three sides of the building. There would be a reader board sign on the Shop Rite side of the building for the drive thru. Mr. Goursky wanted to confirm that the pylon sign would never change. Mr. Martin wanted to know where the pylon would face - Main St or Old Hook Rd., and was told Old Hook Rd. in both directions.

Mr. Alampi asked about the sign coverage. Mr. Bertin replied the signage was shown on page #9: 6 wall signs (v) = 3 on west wall, building sign over doorway, 2 large wall, total 155 sq. ft., 24 allowed. Ground signs: Pylon 16 ft., 9-1/2 allowed (v) 64 sq. 18 allowed (v), 10 ft. from property line 5 permitted (v); these signs being 6 ft. high, where 5 ft. is permitted (v).

Mr. McKendry wanted to know if the order boards were illuminated, Mr. Bertin said they were but would be turned off at closing. There would be two pre-order signs, one for each lane, which would show the menu and an order sign, these also require a variance.

Mr. Bertin also said there would be directional signs for the order lanes as well as entry and exit lanes. Mr. Sudano wanted to know how many signs would say Wendy's. He was told all would have the Wendy logo, consistent with other locations.

Mr. Schwinder wanted to know if other locations were set up with the dual lane entry to the order lane, and was told it was the new design, which is being used by many drive through restaurants, most of

which are currently in Hudson County. There is a Mc Donalds on Route 17 southbound in Hasbrouck Heights with this configuration, and one on Mc Lean Blvd. in Paterson.

Mr. Schwinder offered some recommendations: entry from Old Hook rather than Main St.; remove the outdoor seating as it is limited to seasonal and could be better used for parking; concern about the traffic onto and blocking Bergenline Ave in Westwood: increase in traffic; traffic build-up at Old Hook and Main St. Mr. Schwinder also wanted to know what improvements would be made for pedestrians crossing Old Hook and Main St. Mr. Bertin said he had met with the County Engineer and was told an additional driveway would not be allowed on Old Hook Rd. Mr. Ascolese expressed concern about traffic making a left into the Plaza and the backup of traffic along Main Street heading north and south.

Mr. Bresa stated a lookback needs to be included in the Resolution if application is approved.

Mr. Schwinder further stated there was no friendly pedestrian approach, would the sidewalks on Main St. be improved, removing the outdoor dining would increase parking by 6 spaces, Pylon sign too high and too big; too many signs. Mr. Goursky was concerned about the glare of the pylon sign for the neighbors. Mr. Kutzin thought a monument sign would be better than a pylon. Mr. Schwinder stated an arrow could be shown on the monument sign for the entry. Mr. Kutzin stated he saw little value in some of the smaller signs. Mr. Rieger agreed the pylon sign should be eliminated and other signs set back further. Mr. Alampi said they would address the sizes and quantity of signs.

Mr. Schwinder wanted to know if it was possible for an entry driveway from Old Hook Rd. eastbound. He was told there are several reasons why not, the County would not allow it, and the ADA regulations for walkways would not be met.

Mr. Ascolese expressed concern in regard to the backing up of traffic off of Old Hook trying to make a left into the restaurant site, especially since there was such a short access from Old Hook Rd to the entry. Mr. Bertin thought the backup would be in the site lot not on Main St. Mr. Schwinder agreed with Mr. Ascolese that the backup would be on Main St.

Mr. Martin asked about the traffic plan and was told the Traffic Operations Manager would testify at the next meeting. Mr. Martin thought the public should hear that testimony before the floor was opened to them.

Mr. Alampi asked Mr. Kevin Woodside, partner and CEO of Wenesco, 910 Sylvan Ave., Englewood Cliffs, about the hours of operation. Mr. Woodside replied the restaurant would be open either at 9 or 10 am and close at 11 pm, the drive through would remain open until 2 am. Employees would arrive at about 7 am for set up. When asked about deliveries Mr. Woodside replied that fresh, frozen and paper are delivered 3 days a week. Buns are delivered every 10 days. When asked if the timing for deliveries could be controlled, he was told it was a district wide delivery system and he had no direct control. Mr. Schwinder asked if he could request early morning rather than late night delivery, Mr. Woodside replied he would try. Mr. Goursky wanted to know if all of their 14 restaurants had the drive thru open until 2 am. Mr. Woodside stated some were open later, one at midnight due to community regulations.

When asked about the employees, Mr. Woodside replied there were some full time, but mostly part time high school and college students.

Mr. Bresa wanted to know what the projected traffic in Emerson would be. Mr. Woodside replied less than 850 per day. Mr. McKendry wanted to know about delivery method, backup, forward. Mr. Ascolese asked if standard 50 ft. box trucks were used. Mr. Woodside replied deliveries were contracted out. He further replied he could request a window for delivery but could not dictate times.

Mr. Ascolese made these observances: front load delivery in front of store; no breakfast, (not in any of their restaurants);

Ms. Sylvester asked if all the lights would be out ½ hour after closing, and was told lighting would stay on for security of the employees who are cleaning up after closing. Ms. Sylvester replied she was concerned about the brightness of the lights for the residential neighbors. Mr. Alampi replied that can be addressed.

Mr. Martin wanted to know if at any of the 14 locations opened earlier, he was told yes, but that the expected opening time for Emerson was 10 am. Mr. Martin confirmed that employees would be on site at 7am for prep, restaurant would open at 10am, close at 11pm, and the drive thru would close at 2 am, employees would clean up and leave by 3 am.

Mr. Schwinder asked for a motion to open the floor to the public, which was made by Mr. Goursky, second by Mr. Kutzin, all were in favor.

A resident who lives at 178 Bergenline Ave, in Westwood stated he had not received notice about the meeting, He said he was concerned about the traffic patterns and lines, the smell of cooking for almost 24 hours a day, and wondered how this application was betterment for the community. He was especially concerned about the safety of the children in the area.

Mr. Schwinder directed the applicant to have the response/resolution of the fumes at the next meeting.

Pat Bernstein of 391 Main St. said she lived in the area since 1979, and was concerned about the back up of traffic on Main St. She said it was hard enough to get into the Plaza for Shop Rite. She wanted to know where the employees were going to park. When the Bank had applied, it was determined the driveway should be a one-way, why should it be changed now?

Mr. Schwinder asked the applicant if they could make arrangement with Urstadt Biddle to use some of the lower parking lot for their employees. He asked Mr. Ascolese to review the left turn from Old Hook onto Main Street for volume and possible delays.

Mr. Ascolese said he would investigate turns from both directions off Old Hook.

Mr. Dave Chan of 102 Main St, Westwood said at first he was excited to have a Wendy's nearby, but then realized the problems he would have getting in and out of his driveway and the congestion.

Ms. Lucille Foley of Lakeview said there was no need for a fast foot restaurant at that location. She stated there were enough problems currently getting in and out of the Plaza.

Rafael San Martin 80 Main St, Westwood, told the Board he has problems now backing out of his driveway, and often the Emerson Police are pulling people over in that location, which makes it more difficult. He feels this location would create a dangerous traffic situation with the left hand turn so close to the intersection. He also said that currently there is garbage on the streets from the Shop Rite, so he believes the additional paper garbage from Wendy's would also end up in the streets.

Rich Richard Zapello of 403 Old Hook Rd., Westwood, told the Board his is the last driveway on Old Hook Rd before the traffic light. He said getting in and out of his driveway now is a problem and with the additional traffic and expected back up for the left hand turn into Wendy's, getting in and out of his driveway will become even more difficult. He said he and his neighbors would be getting a glare from a lighted 16 ft. pylon all night long. He said there was no need for a Wendy's at that location, as there were 7 restaurants within 6.7 miles of the site.

Amy Sandbaum said she was living in the area for 34 years and finds it hard to believe that Emerson is considering this application. Her opinion was that customers of Wendy's at two in the morning would only be those leaving bars. She thought Emerson should consider the loss in property value that the residents of Westwood would probably feel, if the restaurant were approved.

As it was 11:00 pm, chairman Schwinder asked for a motion to extend the public session for another 15 minutes. The motion was made by Mr. McKendry, second by Mr. Bresa, all were in favor.

John Pompillo of 74 Main St, Westwood, owner of Pompillo's Restaurant in 'Westwood asked the Board if they had considered the impact this restaurant would have on existing restaurants in the area. He said the area was fairly well saturated and many businesses will be closing. He did not believe another food outlet in the area was needed.

Mr. Armstrong of 391 Old Hook 'Rd., Westwood, stated he not received a notice in regard to the meeting, and thought there would be excess congestion on both Main St and Old Hook Rd. He asked what measures were being taken to reduce noise and other pollutants. He said based on the information, this would become a 24 hr. operation, with prep and clean up.

Mr. Schwinder asked Mr. Alampi to address the noise from the mechanical systems and odors at the next meeting.

Jill McGuire of 91 Linwood asked about the size of the building in comparison to other businesses in the area. She said her son works in the Hillsdale location and it has become a hangout, as well as creating some traffic issues. She said it would surely be a location for Emerson students to congregate. She asked about the "Y" driveway and was told by Mr. Bertin that it was a popular current design for easing traffic through a site.

At 11:15 pm Chairman Schwinder asked for a motion to close the floor to the public which was made by Mr. Kutzin, second was offered by Mr. Goursky, all were in favor, the floor was closed.

Mr. Alampi asked for a continuance to the meeting of September 6th. He said they would research and address all of the concerns of the Board as well as the public. He thanked everyone for their concerns, their input and suggestions. They would look at the signage, and traffic issues.

Mr. Martin advised Mr. Alampi that he would not have to re-notice for the meeting of September 6th, and the matter would be heard without further notice or prejudice.

Chairman Schwinder reminded the applicant about some of the areas to be addressed: sound blockage, odor blockage, lighting brightness, and the other concerns of the neighbors and the Board.

Chairman Schwinder then asked for a motion to adjourn the meeting, which was made by Mr. Kutzin, second was made by Mr. Kutzin, all were in favor. The meeting was adjourned at 11:20PM

Respectfully submitted,
Marie Shust
Board Secretary