

## REGULAR MEETING OF MARCH 9, 2009

The meeting was called to order by Chairman Peter Kortright at 7:00 P.M.

The notice of the Open Public Meetings Law was read.

### Roll Call

Present: Chairman Peter Kortright, III, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback Absent: Joseph D'Arco, Todd Malkin, Honey Morgenstern

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, and Board Secretary Cathy Hochkeppel.

### Approval of Escrow Bills

Upon motion by Barry Winston and a second by Deputy Mayor Lisa Swain, the escrow bills were unanimously approved.

### Approval of Minutes

Upon motion by Scott Osback and a second by Barry Winston the minutes of the March 9, 2009 regular meeting were unanimously approved. AYES: Chairman Peter Kortright, III, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

### Memorializing Resolutions

*New Cingular Wireless, Block 1801, Lots 3-5, 9-11; Block 1802, Lots 8, 8.01 & 9; Block 1803, Lots 1-4; 20-05 Saddle River Road; site plan*

Douglas Bern explained the memorializing resolution. Upon motion by Phillip Cassidy and a second by Barry Winston, the memorializing resolution was unanimously approved. AYES: Chairman Peter Kortright, III, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

Bris Avrohom, 30-02 Fair Lawn Avenue, Block 2603, Lot 5 – day care center; minor site plan

Attorney Doug Bern explained the memorializing resolution. Upon motion by Barry Winston and a second by Deputy Mayor Lisa Swain, the memorializing resolution was unanimously approved. AYES: Chairman Peter Kortright, III, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

Dabrowski; 4-17 Banta Place; Block 3409, Lot 20, site plan

Attorney Doug Bern explained the memorializing resolution. Upon motion by Deputy Mayor Lisa Swain and a second by Scott Osback, the memorializing resolution was unanimously approved. AYES: Chairman Peter Kortright, III, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

**General Public Comment**

Chairman Peter Kortright, III, opened the matter to the public and no public wished to be heard.

**Bucci, 59 and 65 Lincoln Avenue, Block 6807, Lots 39-43; site plan**

Darren DiBiasi, Esq., appeared on behalf of the applicant. He explained that the applicant intends on expanding the building upward and moving his business to the site.

Mr. Joseph Bucci, 59 Lincoln Avenue, Fair Lawn, New Jersey was sworn in and stated that he is the President of Chancellor Title Insurance. He testified that there are nine employees including himself. They have been open at the Fair Lawn site since January. The hours of operation are 9:00 A.M. to 5:30 P.M. He would like to renovate the building. The business is growing in the reverse mortgage market. They plan to build separate offices and create a conference room. Mr. Bucci testified that the deliveries consist of a federal express truck daily and paper/office supplies once a week. There are no tractor trailers.

Jeffrey Wells, 699 Kinderkamack Road, Oradell, New Jersey was sworn in and qualified as an expert architect. A photograph of the existing facility was marked Exhibit A-1. The plans were marked as Exhibit A-2 and A-3. The existing building was a retail strip and

designed for three retail tenants. The three tenants were combined into one. The building has a second story that is less than 6 feet high. There is an internal stair. The use of the upstairs space is for the mechanicals and is not livable. The store fronts will be closed up and there will be one entrance. There is a small addition on the north side. He explained the proposed renovations. On the upper floor there will be a large open area. Mr. Wells testified that there will be a more appealing curbside. They have standardized the windows to create an attractive view. The same treatment will be articulated on all four sides of the building.

Bruce Riggs, 1000 Maple Avenue, Glen Rock, New Jersey was sworn in and qualified as a professional planner and engineer. He explained that there is not a substantial change to the site. There are no real changes to the front of the parking lot. Except for the north corner, the remainder of the area will be landscaped. There will be a sign perpendicular to the building. The white stone will be removed and landscaping will be added. Essentially, changes are minimal. There are two variances for the structure. The northern corner set back is currently 8 feet 8 inches and will be reduced by 2 inches. There is an existing side yard setback of 9 feet. Those two variances are being extended and are existing nonconformities. There is sufficient parking on site. A waiver is required for the loading space as there is no need for one for this use. Mr. Riggs explained that the curbing will be moved two feet closer to Lincoln Avenue for safety reasons. The applicant is reducing the amount of impervious coverage. Chairman Kortright noted that parking stops are not needed by the large wall and the applicant agreed.

Phillip Cassidy asked about the mechanicals on the roof and was told that the mechanicals will be screened. Deputy Mayor Lisa Swain asked about the new roof and solar panels and was told it will be considered by the applicant.

Chairman Kortright opened the matter to the public.

Elizabeth Cox, 151 Heights Avenue, asked about deliveries. She was concerned about traffic. Mr. Bucci explained that the mail is delivered on foot. There is a Federal Express delivery and a UPS delivery around 10:00 A.M. Once a week they receive office supplies. Ms. Cox noted that the deliveries were not being made during rush hour.

Helen Bernhan, 136 Heights Ave, had concerns about the trees that overgrow onto her yard. She was also concerned about the noise of trucks and the type of business. Mr. Bucci stated he will do his best to maintain his trees. Mr. DiBiasi explained that the business is a professional agency; mostly attorneys and white collar workers. She asked about hours of operation and Mr. DiBiasi stated they are normally closed by 5:30 P.M. Most of their customers are seniors. Ms. Bernhan was also concerned about the roof. Mr.

Wells explained that a new unit will be placed on the roof. The technology is better and the noise level is less. The owner will probably not run the units in the evening.

Leslie Gross stated that his concern was about the noise. His bedroom will be on the same level as the air conditioner. Mr. Wells stated that the applicant will meet the Borough's ordinance that requires the units to run below a certain decibel. Mr. Wells added that the traffic from the street is louder than the air conditioner.

Gary Lagmarsino of Hawthorne asked about the parking and was told they meet the parking requirements.

As no other public wished to be heard, Chairman Kortright closed the time for public comment.

Scott Osback moved that the approval be granted noting that there were existing conditions and granting the variances for side yard setback, front yard setback and no loading space, noting that tractor trailers will not be on the premises. Deputy Mayor Lisa Swain seconded the motion which was unanimously adopted. AYES: Chairman Peter Kortright, III, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

***Reiner Group, 11-02 and 11-06 River Road, Block 5506, Lots 2-5; 69-72***

Gilbert Bowman, Esq., appeared on behalf of the applicant, Reiner Group. He explained they were requesting two variances, one for signage and one for waiver of the loading space. This is a reconfiguration of parking on the two lots at 11-02 River Road and 11-06 that are under common ownership. Both lots are owned by individuals of the Reiner Group. They are reconfiguring the parking and improving the exterior of 11-02 River Road.

Don Smartt, on behalf of the RRIC, was sworn in. He wanted to note that this economic development is consistent with the River Road Master Plan. This application is moving forward with significant impact. Mr. Smart explained that less than two years ago, the tenant was filing for bankruptcy and River Road was looking at a foreclosure where a non-profit religious organization was considering the property. River Road is supportive of this project. Mr. Smartt added that this development will have a favorable impact on River Road, is good for the citizens and represents a business improvement at a time of national challenge.

Bernie Tolsma, 11-02 River Road, was sworn in. He testified that he was President of Reiner. They want to move their residential sales group at 11-07 River Road and the

accounting group in Hawthorne to 11-02 River Road. That building will simply be offices. The basement of the building will be used for dead file storage. There will be 8 full time employees, 3 support staff and 3 management support staff. Most of the sales staff is on the road. Deliveries consist of the occasional Federal Express truck or office supplies. He testified that the crews will not be running out of Fair Lawn but their location in Hawthorne. The front of the building will have the Reiner sign with the logo which is slightly larger than allowed by ordinance. That has been the logo since the early 90's.

Ann Petrocci, 10 Oxford Court in Ramsey, New Jersey was sworn in and qualified as an expert engineer. Photographs were marked as Exhibit A-1 which depicted existing conditions. Ms. Petrocci explained that the intention was to create a vestibule area which would allow Reiner to have a controlled entry area. There are stairs and handicapped accessibility. There will be new windows where there is an existing garage door opening. There will be no windows abutting the neighbors. There is no lighting anticipated other than lighting on the porch to light the platform and stairs. Ms. Petrocci explained the interior renovations which is a gut renovation only, one floor is proposed. There is no second floor. At one time, there was a materials elevator and that has already been eliminated.

Mr. Bowman added that owners of both of the properties will provide cooperative parking agreements. The parking plan shows 27 parking spaces and the applicant provided 27 parking spaces. There is an existing curb cut on River Road and on Sixth Street. Traffic will enter from River Road side and exit on Sixth Street. Handicapped parking will be provided. There are some existing conditions that include interior side yard, rear yard and building coverage. Even though they are entitled to the 25% reduction in parking, the applicant is providing all the parking required.

Ms. Petrocci testified that only the letter "R" in Reiner is more than the allowable height and reducing the logo any smaller could be unsafe. There is an existing fencing along the side and rear of the property. This is a chain link fence that is approximately 8 feet high. The intention was to replace it with a privacy fence which will be consistent with RRIC criteria. It will be white and would be faced out to the street. It has a more residential look. The pylon sign will be removed, including the platform. The existing sign being removed is approximately 4x4.

Deputy Mayor Swain asked about any greening and suggested additional landscaping. Mr. Tolsma stated that they will have quietest air condition on the roof as this is the product they are selling. Solar is a consideration for water.

Baruch Gadot asked about the existing concrete which is mostly cracked and busted. He suggested that some greenery would go a long way. Ms. Petrocci noted that it would be possible to create a rain garden as suggested by Deputy Mayor Swain.

Larry Metzger suggested a "caution" sign and the applicant agreed. Phil Cassidy asked about a possible conflict with parking space one and parking space eight and Chairman Kortright noted that the county would address that issue.

Chairman Kortright opened the matter to the public and no public wished to be heard.

Mr. Bowman stated that this is a good citizen who is prepared to do what is necessary to make the site work. The plan is consistent with RRIC Master Plan and the overall plan will be more aesthetically pleasing.

Joseph Baladi moved to accept the application granting the variances requested including the sign variance, no loading space, existing nonconformities, subject to cooperative parking agreements to be executed, a proposed rain garden and landscaping instead of the fence, replacement of the existing damaged sidewalk and installation of caution signs. Phil Cassidy seconded the motion which was unanimously approved. AYES: Chairman Peter Kortright, III, Joseph Baladi, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Scott Osback.

## **Adjournment**

Upon motion by Barry Winston and a second by Deputy Mayor Lisa Swain, the meeting was unanimously adjourned at 9:30 P.M.

Respectfully submitted,

Cathryn Hochkeppel  
Municipal Housing Liaison/  
Land Use Administrator/  
Secretary of the Planning Board

CH:mc