

REORGANIZATION/REGULAR MEETING OF JANUARY 9, 2023

The meeting of the Fair Lawn Planning Board on Monday, January 9, 2023 was called to order at 7:00 p.m. by Cathryn Hochkeppel in the Council chambers of the Fair Lawn Municipal Building.

The notice of the Open Public Meetings Law was read stating that the newspapers were notified and a notice posted on the first floor bulletin board of the Fair Lawn Municipal Building.

Roll Call

Present: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Amy Hummerstone, Grant King, David Mangual Absent: Anna Aleynick

Also present: Attorney Gregg Paster, Engineer Lyra Knust, Cathryn Hochkeppel

Swearing in of reappointed members

Gregg Paster swore in the reappointed members.

Election of Chairman

Cathy Hochkeppel opened the time for nominations for Chairman. Larry Metzger nominated Ari Ludzki and Joseph Mele seconded the motion. There were no other nominations and the time for nominations was closed. Ari Ludzki was elected unanimously. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual, Amy Hummerstone

Chairman Ludzki assumed the chair.

Election of Vice-Chairman

Chairman Ari Ludzki opened the time for nominations for Vice-Chairman. Chairman Ari Ludzki nominated Joseph Mele and David Mangual seconded the motion. There were no other nominations and the time for nominations was closed. Joseph Mele was elected unanimously. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual, Amy Hummerstone

Election of Secretary

Upon motion by Larry Metzger and a second by Vice Chairman Mele, Cathryn Hochkeppel was unanimously elected as Secretary. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual, Amy Hummerstone

Appointment of Professionals

Upon motion by Joseph Mele and a second by Chairman Ludzki, the Board unanimously appointed Paster & Associates Paster as Board Attorney. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual, Amy Hummerstone

Upon motion by Joseph Mele and a second by Shana Cohen, the Board unanimously appointed CME & Associates as Board Engineer. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual, Amy Hummerstone

Upon motion by Chairman Ludzki and a second Shana Cohen, the Board unanimously appointed CME & Associates as Board Planner. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual, Amy Hummerstone

Upon motion by Joseph Mele and a second by Chairman Ludzki, the Board unanimously appointed Laura Carucci as Court Reporter. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual, Amy Hummerstone

Upon motion by Chairman Ludzki and a second by Vice Chairman Mele, it was unanimously agreed to continue Boswell Engineering as engineer on the projects that they were already monitoring which are Landmark/Crossings at Radburn and Oster (new Shop Rite). AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual, Amy Hummerstone

Chairman Ludzki thanked everyone including the professionals for making this Board productive.

Veterinary Hospital; 133 Lincoln Avenue

Douglas Kinz congratulated the officers and professionals. He noted that his client and architect were not present yet. He deferred to the next application and will be heard later in the night.

Approval of escrow bills

Ms. Hochkeppel read the escrow bills. Upon motion by Vice Chairman Mele and a second by Grant King, the escrow bills were unanimously approved. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual, Amy Hummerstone

Approval of minutes

Upon motion by Councilmember Rottenstrich and a second by Joseph Mele, the minutes of the special meeting of November 21, 2022, were unanimously approved. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual Abstain: Amy Hummerstone Upon motion by Joseph Mele and a second by Shana Cohen, the minutes of the meeting of December 12, 2022, were unanimously approved. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Amy Hummerstone Abstain: David Mangual, Grant King

AutoZone; 27-02 Broadway; sign variance

Francis J. DeVito appeared on behalf of the applicant. He explained that the existing monument sign is hidden by the business next door. They have received several complaints from people traveling west along Broadway that they are several blocks past the AutoZone before they realize they passed it. This application is for a 54 square foot sign on the east elevation of the building.

Juan Bacheco was sworn in. He stated he was familiar with the sign. It is internally lit and is identical to the two signs on the building. Board Engineer Lyra Knust explained that a variance was originally granted for the monument sign. The variance today is for the number of signs. She suggested that they consider removing the monument sign. Mr. DeVito stated that they have already invested in that sign and it is there already. He would prefer not to remove it. Amy Hummerstone stated that she believed four signs were too many. There is a sign ordinance for a reason. Mr. DeVito stated that Fair Lawn did a good job with this facility as it is very attractive. There is a location problem and this sign makes sense. Councilmember Rottenstrich agreed with Ms. Hummerstone. She added that the monument sign needs to be removed. Shana Cohen suggested that they consider moving the sign facing Broadway. Mr. DeVito stated that sign is a branding sign.

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

Daniel Soto was sworn in and stated he was the store manager. He stated that he regularly gets complaints from customers traveling westbound that they missed the store and had to turn around. He testified that he receives the complaint once or twice a week. Ms. Knust asked how the customers passed by the store and Mr. DeVito explained in detail. Chairman Ludzki asked if they eliminated the monument sign and had the sign on the building, would that solve the problem and Mr. Soto stated it would solve the problem. Joseph Mele noted that the monument sign is being obscured by the florist building and questioned whether a sign on their building would be obscured. Mr. DeVito stated the sign would be visible.

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

Michael Pessolano was sworn in and qualified as an expert planner. A planning exhibit consisting of nine pages was marked as Exhibit A-1. Mr. Pessolano explained the images which showed the different views. He said it was a very well built site. He showed that approaching the site from the west, it was not possible to see the monument sign. The proposed sign will be easily seen. He testified that there was a very narrow window of time to recognize the building, get into the right lane and make the turn. He stated it is very important that signage perform properly and give the driver sufficient warning. He also pointed out that Columbia Bank has signs on all four facades. He noted that they are proposing signage that is 2/3 of the size permitted. The sign on the building has to avoid clutter. He said given the size of the façade, the sign is nicely spaced and will harmonize with the surrounding area. Even though there are more signs than permitted, he noted that you cannot see all four signs from any perspective. Only two signs are visible at any perspective and that is accomplishing what the ordinance lays out. The site is on an oversized lot. It is a corner location in a busy corridor. He testified that the variance can be granted under the C(2) criteria. He also stated that many times applicants go for the maximum allowed. Although this application is asking for another wall sign, it is much smaller than allowed. He believes the sign package is discreet and useful. There is a specific piece of property. Zoning can be advanced by granting this variance. The proposed sign is much more easily perceived. It promotes a desirable visual element and will harmonize with the area. It is advancing safety as well. He testified that there is no substantial detriment to the public good. This is a large lot which could be divided into three conforming lots which could result in additional signage. He also testified that this will make the site safer. Mr. Pessolano stated that the benefits outweigh any detriment and is clearly warranted.

Chairman Ludzki confirmed that the original monument sign required a variance because a monument sign is not allowed on frontage that is less than 200 feet. The variance requested today is for the number of signs. Larry Metzger commented that he didn't think it would be expensive to remove the monument sign. Vice Chairman Mele stated that many businesses on Broadway have one sign, and he doesn't see the need for four signs. Mr. DeVito commented that the businesses that have one sign might have the same issue but they have no other place to put a sign. Chairman Ludzki commented that for this application, he has concerns about the number of signs. He pointed out that the board previously granted a variance and now the applicant is asking for another variance. He doesn't think it is unreasonable to grant this variance conditioned upon the removal of the monument. Mr. DeVito stated he would consent to the removal of the monument if the Board granted the variance for the building sign. Councilmember Rottenstrich suggested that when the monument sign is removed, a tree could be placed there. Mr. DeVito stated he would prefer bushes because they don't want to install a tree that will block the sign. Mr. DeVito stated they will maintain it as a planting area and consider planting a small tree. Amy Hummerstone stated that she believed that the properties should stick to two wall mounted signs since a corner property does get some advantage.

Mr. DeVito asked the Board to approve the application since they have agreed to a compromise. He also committed to asking for a tree if it was feasible. Chairman Ludzki stated the stipulations include removing the monument sign and maintaining the area as a planting area. David Mangual moved that the application be approved and Grant King seconded the motion. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, Grant King, David Mangual NAY: Amy Hummerstone

Chairman Ludzki recessed the meeting for 10 minutes at 8:25. The meeting reconvened at 8:35 with all members present as previously indicated.

Veterinary Hospital; 133 Lincoln Avenue; Block 6906 Lots 51-54, (continuation)

David Kinz appeared on behalf of the applicant. He noted that the doctor specialized in complicated surgery on cats. He reviewed the original application. He stated that this application will improve the property aesthetically and practically. The board made several suggestions and the plans have been revised in accord with those suggestions.

Adnan Khan was reminded he was still under oath. He testified that he prepared revised plans. They have resized the building to have five feet setback in the rear and five feet on the side. It is a slightly smaller footprint. They also added landscaping and evergreen trees in the rear. They also

added trees on the side. They cleaned up some of the plants. They will comply with the stormwater comments from CME. The roof drains are tied into the drainage pits. They are proposing a brick enclosure for the trash area. They will try to match the brick of the building on the trash enclosure. He noted that they need county approval as well.

Amy Hummerstone asked if there was a concrete curb around the parking and was told there would be. Councilmember Gail Rottenstrich wanted to confirm that the red oak leaf holly was a tree and was told it was a tree. Joseph Mele stated he was pleased with the changes made. He was concerned about the trees in the rear. Mr. Khan stated that the tree type is long and narrow and would fit in that space.

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

Architect Ragab prepared revised architectural plans. He explained that they pulled the addition back and made a larger sideyard setback. He added that they staggered the roof a bit. They reduced the storage area. Some of the rooms were reconfigured slightly. The footprint is about 380 feet smaller than the original proposal. They revised the plans to show the correct details of the ADA ramp. Mr. Ragab testified that this will be an aesthetic improvement.

Joseph Mele asked if they were proposing any signage and was told there would be no changes to the signage with the exception of adding landscaping. Amy Hummerstone thanked the applicant for the changes, thought it was an improvement and a nice design.

Attorney Kinz stated that this is a substantial improvement and thanked the board for making their suggestions. Dr. El-Akbawy has also demonstrated good faith in listening to the board's suggestions and agreeing to the changes. He asked that the board approve the application.

Councilmember Rottenstrich was fairly sure that oak leaf red holly is a bush and she wanted to make sure that evergreen trees get planted and not bushes.

Gregg Paster stated that variances are being sought for the side yard setback and existing rear yard setback. There is a parking variance where 39 spaces are required and 10 are being provided. The landscaped buffer zone is required to be 10 feet in the rear yard and there is none (existing condition). The existing sign encroaches as it is within five yards of the property line. A loading space is required and none is being provided. Larry Metzger moved that the application be approved and Jorge Reyes seconded the motion. AYES: Councilmember Gail Rottenstrich,

Larry Metzger, Ari Ludzki, Shana Cohen, Jorge Reyes, Joseph Mele, David Mangual, Amy Hummerstone

Adjournment

Upon motion by Grant King and a second by Joseph Mele, the meeting was unanimously adjourned at 9:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board