

## **REORGANIZATION/REGULAR MEETING OF JANUARY 10, 2022**

The meeting of the Fair Lawn Planning Board on Monday, January 10, 2022 was called to order at 7:00 p.m. by Cathryn Hochkeppel in the Council chambers of the Fair Lawn Municipal Building and virtually.

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, Oliver Wilhelm, Jorge Reyes, Joseph Mele  
Absent: Amy Hummerstone, Anna Aleynick, Grant King, David Mangual

Also present: Attorney Mark Madaio, Engineer Lyra Knust, Cathryn Hochkeppel

### **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, Oliver Wilhelm, Jorge Reyes, Joseph Mele

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 Larry Metzger 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, Chairman Ari Ludzki, Shana Cohen, Oliver Wilhelm, Jorge Reyes, Joseph Mele

### **Election of Secretary**

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

### **Appointment of Professionals**

Upon motion by Joseph Mele and a second by Oliver Wilhelm, the Board unanimously appointed Paster & Associates Paster as Board Attorney. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Ari Ludzki, Shana Cohen, Oliver Wilhelm, Jorge Reyes, Joseph Mele

Upon motion by Shana Cohen and a second by Councilmember Rottenstrich, the Board unanimously appointed CME & Associates as Board Engineer. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Chairman Ari Ludzki, Shana Cohen, Oliver Wilhelm, Jorge Reyes, Joseph Mele

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

### **Approval of minutes**

Upon motion by Councilmember Rottenstrich and a second by Joseph Mele, the minutes of the meeting of December 13, 2021 were unanimously approved. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Chairman Ari Ludzki, Shana Cohen, Oliver Wilhelm, Jorge Reyes, Joseph Mele

### **Approval of escrow bills**

Upon motion by Councilmember Rottenstrich and a second by Oliver Wilhelm, the escrow bills were unanimously approved. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Chairman Ari Ludzki, Shana Cohen, Oliver Wilhelm, Jorge Reyes, Joseph Mele

## **Public Comment**

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

### **Memorializing resolution – Pictor Fair Lawn Logistics Center, LLC, 17-02 Nevins Road, Block 4902, Lot 2**

Attorney Mark Madaio explained the memorializing resolution. Upon motion by Larry Metzger and a second by Oliver Wilhelm, the application was unanimously approved. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Chairman Ari Ludzki, Shana Cohen, Oliver Wilhelm, Jorge Reyes, Joseph Mele

### **19-00 & 15-00 Pollitt Drive, Block 4804, Lots 1 & 3**

Stuart Liebman appeared on behalf of the applicant. He explained that the medical office building is to remain and the general office building will be removed. The property is located in the senior overlay zone. They are proposing 307 age-restricted apartments including 46 affordable units. All of the units are being provided in accordance with the vision of this Planning Board and the Mayor and Council. In early 2021 the need for additional senior housing including affordable housing was recognized and the senior housing overlay zone was created by ordinance. The zone provides a way for seniors to stay in town when ready to move out of a single family home and want to stay in Fair Lawn. The plans conform to the zoning regulations and no new variances are required. Mr. Liebman stated that the Board Engineer, in her thorough review of the initial plans submitted, pointed out where there were non-conformities. Accordingly, the applicant revised the plan to conform and those are the plans you have before you. There are a few existing non-conforming conditions that are part of the existing dialysis building that are not changing. There are several talented witnesses that will be testifying.

David Minno was sworn in and qualified as an expert architect. He stated he was familiar with the plans, property and zoning for this property. The colorized landscape plan dated January 10, 2022 by Dynamic Engineering was marked as Exhibit A-1. Mr. Minno briefly explained the site and the surrounding area. He testified that it will be a beautiful design for the community. The residential area is about 6.65 acres which translates to 46.2 residential units per acre which is less than the 50 permitted in the ordinance. Mr. Minno state that this is an amenity rich building full of indoor and outdoor spaces. There is a small maintenance building proposed on the southeast corner. There is an in/out entrance on the western side from Pollitt and there is a one-way south entrance on Pollitt between the dialysis building and the proposed complex. There is an in/out on

the eastern side. There are five access points to the site. There is a beautiful European Court for pick-up by Uber and for packages being dropped off. Concept Building plan (Sheet A-1) prepared by Minno Wasko revised December 17, 2022 was marked as Exhibit A-2. Mr. Minno testified that there is a motor court entry looking into a courtyard and pool, a great lobby, a mailroom and a package room which is important today since many people get packages. There is a leasing office on the left. Behind the elevator is a club room with fire places. This space can be reserved for parties and for general use. There is also exercise space and a sauna space. There are game rooms on the right side. There is a multi-purpose courtyard space. There are four elevators to serve the building. Trash will be managed professionally and there are two trash chutes. Trash will be taken out by building maintenance on trash day so that will not be trash sitting around in dumpsters. It is a managed program. There are meters located internally on the ground floor. Management will require those moving in to use a truck no larger than a 30 foot box truck and moves will be scheduled by management. There is a mixture of unit types throughout the building. There are 150 market rate one-bedroom units, three units that are one bedroom/dens and 108 two bedroom units. The total number of market rate units is 261 and there are 46 affordable one-bedroom units that is permitted for Senior Housing. Concept building plan (Sheet A-2) revised December 17, 2022 was marked as Exhibit A-3. The third and fourth floor plan is similar to the second floor. Architect Minno explained the roof plan. The condensing units will be placed in the middle. He explained the various types of units. Concept building plan (Sheet A-4) was marked as exhibit A-5. Concept building plan (Sheet A-8) revised December 17, 2022 was marked as Exhibit A-6. Mr. Minno explained the maintenance building which includes two garages, a powder room and an office area. Mr. Minno explained the sign which identifies the building. The surface area is 12 square feet. Exhibit A-7 is a prospective rendering showing the front of the building. Mr. Minno explained the entrance and the materials for the exterior. There are many breaks in the building. A materials book dated January 10, 2022 was marked as Exhibit A-8. Mr. Minno explained the different types of materials. Mr. Minno explained the energy saving features.

Board Engineer Lyra Knust noted that the actual sign would require a variance since the brick above the sign is decorative. Mr. Liebman stated that it is part of the supporting structure. There was some discussion regarding the interpretation, and it was decided that a variance would be requested for the sign so that there was no confusion. Mr. Minno noted that it was a very small sign and it was important to identify the building.

In response to Mr. Reyes question, Mr. Minno stated that every unit is ADA adaptable and accommodations can be made to each unit as needed. Shana Cohen stated that the building is beautiful. She wondered if they were considering solar panels. Mr. Minno stated that they meet

the energy saving requirements of the ordinance. As they get closer to construction, they will determine if additional energy saving techniques can be implemented. Ms. Cohen also commented that the trash seemed far away from some of the units. Councilmember Rottenstrich added that she was also interested in green practices for the building. Mr. Minno explained that the windows are operable. Councilmember Rottenstrich also asked about recycling materials and was told that the applicant would recycle. Mr. Minno testified that the affordable units were on every floor. He also added that the residents of the affordable units will also have access to all the amenities. Councilmember Rottenstrich stated there were also concerns regarding emergency services. Mr. Minno further explained there was a small pet area where the residents can wash their dog. Mr. Mele stated that he thought the building was very nice. He also asked if the elevators could fit a gurney and Mr. Minno stated that all the elevators could do so. There was also discussion regarding garbage and Mr. Liebman stated that they will have a private refuse company. Oliver Wilhelm asked about accessibility. He was told that the building is accessible and that the units can easily be converted. Larry Metzger asked about generators as he was concerned if power was lost and seniors having to go down many steps and emergency services would have to carry people down several flights. Mr. Minno stated that they have not yet made a determination regarding generators. Mr. Metzger also suggested that one of the elevators be programmed to be a Sabbath elevator. Chairman Ludzki stated that the amenities are great and asked if they were available to the general public. Mr. Minno stated that they were available only to the residents and their guests.

Chairman Ludzki opened the matter to the public.

Ed Bose, 1-25 26<sup>th</sup> Street, stated that he was a volunteer EMS in Fair Lawn. He asked if their stretchers would fit in the elevators and was told they would. He asked about the width of the entrance and was told it was six feet wide. He asked how it would be accessed and Mr. Minno explained there would be a key fob. Mr. Minno explained that there would be a Knox box system for emergency services. Mr. Minno stated that there was a flat curb in the front access. He asked if health care was being offered in this facility and was told no. Mr. Bose also asked if they would contract with a private ambulance service, and Mr. Minno stated that was a question for management. Mr. Minno also explained that the vestibule will be greater than seven feet.

Chairman Ludzki recessed the meeting for ten minutes at 8:35. The meeting was reconvened at 8:45 with all members present as previously indicated.

Leonard Savino was sworn in and qualified as an expert engineer. He testified that he was familiar with the property, plans and zoning ordinances. The site plan (Sheet CS101) revised December

17, 2022 was marked as Exhibit A-9. Mr. Savino explained the existing conditions. He stated that they will be consolidating the two lots into one lot. The existing drainage easement will need to be relocated and approval obtained from the Borough. The office building on the west side will be demolished. One of the driveways will be closed. He explained the circulation on the site. He testified that there are 344 parking spaces required. They are providing 401 spaces. They are providing handicapped parking close to the entrances. They are also providing 18 electrical charging spaces. He explained the pedestrian circulation. He noted that all tenant accesses are ADA compliant. There is a loading area for the tenants and also for trash and recycling. The loading spaces for the dialysis building are non-conforming as to size but will continue to function as they have in the past. A circulation plan for a box truck (Sheet CP101) was marked as Exhibit A-10. A circulation plan (Sheet CP-010-Garbage Truck and Fire Truck) was marked as Exhibit A-11. Emergency and Service Vehicle Circulation Plan (Sheet CP-010-Ambulance) was marked as Exhibit A-12. Mr. Savino explained the circulation plans. Mr. Savino explained the trash enclosure for the dialysis building. It was noted that it was non-conforming due to the fence enclosure and visibility from the street. Mr. Savino testified that it will continue to function as it has in the past. Mr. Savino explained all the parking on the site including the ADA spaces. Mr. Savino also explained the drainage plan in detail noting that there is no increase but there is a decrease in impervious coverage. He also noted the drainage pipe will need to be moved. Mr. Savino explained the utility plan and the electric will be put underground. Mr. Savino also explained the lighting plan and the different lighting fixtures. There is no spillage around the property except for half a candle onto Pollitt Drive which he believes is appropriate for safety purposes. He testified that all materials that can be recycled from the demolition will be recycled. Mr. Savino testified that they can comply with CME's letter of December 20, 2021. Mr. Savino stated that the distance between the dialysis building and the roadway at the closest point is about 6.7 feet where 15 is now required. Mr. Savino stated that this is an existing building and has functioned that way. He stated that the density is 46.2 per acre where 50 is permitted. He noted that they received a letter from the Bergen County Planning Board exempting the application.

Larry Metzger asked if the applicant owned the dialysis property and was told yes. Mr. Liebman explained that the application calls for a consolidation of both sites with shared parking. There will be no designated parking spaces. Mr. Metzger was concerned about two car families. Mr. Liebman stated that the traffic engineer will address his concerns. Mr. Metzger asked about security. Mr. Liebman stated the representative of the owner can address his question. Joseph Mele was concerned about the maneuvers around the corners of the building. Mr. Savino stated that they did circulation plans and a large truck can make that maneuver and they would not want to give up parking. Mr. Mele suggested that perhaps the planted breaks should be changed to give more room. Mr. Savino stated that they would look at that. Mr. Liebman stated

that they might need relief if they change the landscaped breaks. Mr. Mele also asked about the parking spaces next to the dialysis building. Mr. Savino stated that perhaps they could put wheel stops but noted it has been functioning well for many years. Mr. Mele asked about the trash enclosure and stated that he would prefer it to be improved. Mr. Mele also asked about the fire hydrants on the site. He suggested a dual feed for the fire sprinkler system.

Chairman Ludzki stated that there are several EMTs here and he would like to allow them to ask the representative of the owner their questions after the Board members have asked their questions.

Councilmember Rottenstrich stated she would like to have comments from the fire department. She added that she would also like the enclosure improved aesthetically. She was also concerned about the stress on the Borough's water supply. Mr. Savino stated that the state requires that they evaluate it in a certain way and that will be done. The borough engineering representative will check the numbers and make sure they are correct. She also asked about the drainage and Mr. Savino stated that they were adding approximately .69 acres of pervious coverage. Jorge Reyes asked about the traffic generated and Mr. Liebman stated that there will be testimony regarding traffic from the traffic engineer. Chairman Ludzki asked about water retention and Mr. Savino stated they are not required to retain water on site since they are adding pervious coverage. There will be less run-off than presently exists. Chairman Ludzki asked if they were going to use any special pervious materials for walkways, etc. Mr. Savino replied that there will be more greenery and they may consider porous materials. Chairman Ludzki asked if the curbs around planters could be notched to allow rainwater. Mr. Savino stated that it would have to be evaluated because too much water can ruin the landscaping.

Michael Sommer, Executive Vice President of development and construction was sworn in.

Chairman Ludzki opened the matter to the public.

Dave Epstein, 12-60 Burbank Street and a member of the Fair Lawn Ambulance Corp., asked if they have done a study to see what the impact of 307 senior units will have on the local emergency services. Mr. Sommer replied that they have not done a study and have submitted an application that consistent with the zoning of the site. Mr. Epstein asked if they have conducted any surveys to check the ability of the local EMS to handle the additional volume. Mr. Sommer stated that there were no surveys done. Mr. Epstein asked if there are any contingency plans in place in case the local EMS cannot respond. Mr. Liebman replied that these are not zoning or construction questions. He added that if this application is approved, then it could be a condition of approval

that the applicant work with the local EMS to come up with a plan. Chairman Ludzki acknowledged that he is aware that there are some matters that are not in the Board's purview and can't be considered by the Board in approving or denying an application but he wants to allow residents to voice their concerns so that the developer is aware of them. Mr. Liebman stated that in the event they are permitted to proceed with the project, they will meet with the local emergency services. Mr. Sommer added that they manage over 25,000 multi-family units from many states, many of which are in New Jersey and they are more than happy to work with the local emergency services to develop a plan. Mr. Epstein stated that he is not against construction and he would be willing to meet for the betterment of the community.

Ed Bose, 1-25 26<sup>th</sup> Street asked about the traffic on the site. Mr. Liebman stated there will be testimony from the traffic engineer. Mr. Bose asked about vehicle circulation. Mr. Savino stated that he did circulation plans showing the vehicles could get around the building. He added that at the main entrance there is a depressed curb. Mr. Bose asked if there was a fire zone and Mr. Savino stated no but the aisles are 25 feet wide. Mr. Bose asked the wall to wall distance and was told six feet. He was told the doors are slightly recessed so they should not have a problem maneuvering stretchers.

Louis Harrison, 5-19 Boyd Avenue, stated that they do not use Knox boxes and would the developer supply them with a fob or some other way to enter. Mr. Sommer stated he has never done that before but if they cannot supply a Knox box for some reason, he does not see that as an issue.

No other public wished to be heard. It was announced that the matter would be carried to the February 7<sup>th</sup> meeting without further notice.

### **Adjournment**

Upon motion by Councilmember Rottenstrich and a second by Larry Metzger, the meeting was unanimously adjourned at 10:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Secretary of the Planning Board