REGULAR MEETING OF JANUARY 13, 2020

The regular meeting of the Fair Lawn Planning Board on Monday, January 13, 2020 was called to order at 7:45 p.m. by Chairman Ari Ludzki 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: Chairman Ari Ludzki, Deputy Mayor Gail Rottenstrich, Larry Metzger, Brent Pohlman, Antonio Garcia, Vice Chairman Joseph Mele, Joseph Baladi, Shana Cohen, Grant King Absent: Amy Hummerstone, Aaron Salma

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

Approval of minutes

Upon motion by Joseph Mele and a second by Antonio Garcia, the work session minutes of December 16, 2020 were unanimously approved. AYES: Deputy Mayor Gail Rottenstrich, Brent Pohlman, Joseph Mele, Shana Cohen, Chairman Ludzki, Larry Metzger, Antonio Garcia, Abstain: Joseph Baladi

Upon motion by Grant King and a second by Joseph Mele, the regular meeting minutes of December 16, 2019 were unanimously approved. AYES: Deputy Mayor Gail Rottenstrich, Brent Pohlman, Joseph Mele, Shana Cohen, Chairman Ludzki, Larry Metzger, Antonio Garcia Abstain: Joseph Baladi

Approval of Escrow bills

Upon motion by Brent Pohlman and a second by Deputy Mayor Rottenstrich, the escrow bills were unanimously approved. AYES: Deputy Mayor Gail Rottenstrich, Brent Pohlman, Grant King, Joseph Mele, Chairman Ludzki, Antonio Garcia, Shana Cohen and Larry Metzger.
**General Public Comment**

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

**Memorializing Resolution – Robert Rocklin, 10-16 River Road; Block 5506, Lot 10, Minor Site Plan**

Attorney Paster explained the resolution. Upon motion by Brent Pohlman and a second by Larry Metzger, the memorializing resolution was unanimously approved. Ayes: Shana Cohen, Deputy Mayor Rottenstrich, Brent Pohlman, Antonio Garcia, Joseph Mele, Larry Metzger, Chairman Ludzki

**Peguero & DiPlan, 2-06 31st Street; Block 2302, Lots 20-25; minor subdivision**

Sophy Sedarat, Esq., appeared on behalf of the applicant. She explained that the property is currently owned by the Church of Atonement. Both proposed lots consisting of lots 20-22 (new lot 20.01) and lots 23-25 (new lot 20.02) will be conforming. There is currently a structure that remains unchanged. A single family dwelling will be constructed on lot 20.02. The applicant is requesting a waiver of a topographical survey and the Board Engineer indicated that she had no exception to this request. Ms. Sedarat stated there was some discussion with regard to sidewalk conditions. The applicant agreed they will correct any sidewalk problems to the satisfaction of the Building Department. Ms. Sedarat stated it would be onerous to request that the applicant correct the issue prior to approval since they do not own the property. The subdivision will be completed by Deed. The subdivision will result in two fully conforming lots.

Joseph Hogan was sworn in and qualified as an expert engineer. Mr. Hogan testified that he prepared the drawings. Mr. Hogan explained that in the R-1-3 zone, it is required that the lot area be 6,500 square feet. Lot 20.1 will 9,000 square feet and lot 20.2 will be 9,266 square feet. Mr. Hogan stated that the lot width requirement in the zone is 75 feet. Both lots will have a width of 75 feet. He further explained that in the R-1-3 zone, the depth requirement is 100 feet. Lot 20-01 has a depth 120 feet and lot 20.02 has a depth of 123.54 feet. Both lots will be fully conforming. Lot 20.01 has an existing building. Lot 20.02 is sufficient to support a fully conforming dwelling. With regard to topographical conditions, he explained that Lot 20.02 is flat property very similar to the neighborhood which most currently contain single family zones. There should be no issues with building a conforming residence on lot 20.02.

Joseph Mele asked about the corner lot and noted that it should be two front yards, a side yard, and rear yard. He further asked if a professional land surveyor prepared the subdivision. Mr. Hogan stated that on the plan they note that DAB Surveying prepared the subdivision map.
Brent Pohlman noted that both lots were conforming and moved that the Board discussion be closed and that the Board move forward with public comment and Joseph Mele seconded the motion which was unanimously adopted.

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

Rent Pohlman moved that the application be approved and Joseph Baladi seconded the motion. AYES: Chairman Ari Ludzki, Deputy Mayor Gail Rottenstrich, Larry Metzger, Brent Pohlman, Antonio Garcia, Vice Chairman Joseph Mele, Joseph Baladi, Shana Cohen, Grant King

**TSSFL Management, Block 2213 Lot 1, sign variance**

Joshua Levine appeared on behalf of the applicant. He explained that Mr. Patel purchased the building in 2017, and received approval for the beautiful building. There formerly was a sign on top of the Spivak Building which has been removed. They are requesting a monument sign. It will comply in every respect with the lighting requirements.

Anthony Kurus of Neglia Associates was sworn in and qualified as a professional engineer and planner.

Brent Pohlman indicated that he wanted to disclose that he had retained Neglia Associates in a professional capacity. Board Attorney Paster asked if this would affect Mr. Pohlman’s decision in any way, and Mr. Pohlman stated it would not. Board Attorney Paster opined that he did not believe it was necessary for Mr. Pohlman to recuse himself. The applicant had no objection.

Mr. Kurus stated that the property is located 35-02 Broadway in the B-2 business zone. He explained the surrounding area. The applicant was previously approved to renovate the building for a daycare facility. The project was previously approved with wall mounted signage. They have eliminated the free standing roof mounted sign.

Mr. Kurus stated that the applicant is proposing a ground mounted internally lit free standing monument sign. The location will be along the Broadway Street frontage on the northwest corner of the property in a similar location to the “Coming Soon” sign. Mr. Kurus passed out a photo indicating where the sign would be located which was marked as Exhibit A-1. He stated the requirements according to the Code. He testified that the current building is 20 feet from the curb line on Broadway and 30 feet from the curb line of West Amsterdam. The code provides for a sign
that is eight square feet per side. Mr. Kurus added that for this location, the sign would be too small. The applicant can meet the height requirements but is seeking a variance for the size of the sign. Mr. Kurus noted that if the frontage was 210 square feet, the square footage of the sign permitted would be 72 square feet. The applicant is seeking a sign of 21 square feet per side with a maximum height of 7 feet 8 inches. It would be mounted to a brick face pedestal. The sign location plan was marked as Exhibit A-2. Mr. Kurus stated that there will be no flashing or moving effects. There will not be frequent changing of the display. The light intensity will meet the ordinance requirements. Mr. Kurus explained that it will be brighter during the day, and at night it will be dimmed. There is no encroachment into any sight triangle. The applicant requests two variances. One variance is for the size of the sign and the other is for a five foot setback. There is no set requirement for a 21 square foot sign. The applicant is requesting to place it at the five foot setback. Mr. Kurus stated it was consistent with the neighborhood since they are a highway. It is necessary to increase the size of the sign for location purposes. Mr. Kurus stated that it was a small deviation and, compared to the prior roof mounted sign, is an upgrade. He testified that the application met the C(1) criteria and C(2) criteria.

Mr. Metzger asked about the placement of the sign, and Mr. Kurus explained that they are placing the sign outside of the right of way. Mr. Mele asked about wall-mounted signs, and Mr. Kurus stated that the wall signage will be fully conforming to all ordinances. Mr. Pohlman asked if the signage would be lit on both sides and Mr. Kurus stated it would be both sides. Chairman Ludzki asked about the brightness of the sign. Mr. Kurus stated that they will not exceed the 75 foot candle requirement.

Anita Verno, 0-92 West Amsterdam Avenue, stated that they were doing a beautiful job on the building but she is concerned that the sign will be shining at night and will disturb their sleep patterns and the character of their residential neighborhood.

Mr. Kurus explained that the sign will not directly face the neighborhood. Mr. Paster added that the applicant is not seeking a variance for the brightness. He also noted that the applicant indicated that they would dim the light at night. Chairman Ludzki stated that the Board only has a certain amount of jurisdiction. Mr. Mele suggested that evergreen shrubs be added to screen the sign from the residents on West Amsterdam.

Irene Jones, 0-95 West Amsterdam, stated her concern is turning and the pedestrians as the light can be distracting. She had safety concerns. She stated the Meineki sign is very distracting and she does not want a similar sign in her neighborhood. She stated it is an eyesore. Chairman Ludzki suggested that the light be dimmed in the evening.
Mr. Kurus stated that there will be no moving parts or flashing of the sign.

Chairman Ludzki closed the time for public questions since no other public wished to be heard.

Mr. Arvin Patel was sworn in and stated he is the owner of 35-02 Broadway. Mr. Patel stated he will maintain the sign below the 75 foot candles. He added that it has a dimmer that automatically dims the sign when it gets dark. Mr. Patel testified that it will be a static sign, and the message would not change more than once every half hour. There would be no more than three slides per day. Mr. Patel stated that he owns another facility in South Brunswick with a sign similar to the one that is proposed. Mr. Patel stated he has never received any complaints. Shana Cohen asked if they could change the location of the sign and Mr. Levine explained that it is a two-sided sign so that west bound traffic could also see the sign. Mr. Levine stated that he does not believe the sign will unduly impact the neighborhood. The applicant certainly does not want to annoy the neighbors and has agreed to add additional shrubbery.

Mr. Pohlman commented that the building is a nice modern building; and they would like to see more of this type of building along Broadway. The shrubs shielding the illumination somewhat from the neighbors is important. Mr. Pohlman also suggested that the applicant consider shutting off the sign or severely reducing the illumination between the hours of 10 p.m. and 5:30 am. Deputy Mayor Rottenstrich asked if there would be any spillage from the sign. Mr. Kurus explained that the sign does not give off any light. The sign itself is the light. Mr. Kurus stated that the sign will not interfere with the sight triangles. Chairman Mele also commented that the area is much improved and incorporating some landscaping along West Amsterdam is a good solution. Grant King agreed. Chairman Ludzki asked Mr. Patel if the neighbors approached him with a problem would he be willing to work with the neighbors. Mr. Patel replied affirmatively.

Irene Jones commented that she appreciated the landscaping and is still concerned about the light affecting turning movements and the safety of the pedestrians.

Mr. Paster stated that the applicant is seeking two variances. One is for the size of the sign and one is for the setback which will be 5 feet from Broadway. The illumination will conform to the guidelines. The sign will be dimmed after hours and the applicant has agreed to add landscaping to provide some shielding from West Amsterdam Avenue. Upon motion by Joseph Mele and a second by Grant King, the application was unanimously approved. AYES: Chairman Ari Ludzki, Deputy Mayor Gail Rottenstrich, Larry Metzger, Brent Pohlman, Antonio Garcia, Vice Chairman Joseph Mele, Joseph Baladi, Shana Cohen, Grant King.
Adjournment

Upon motion by Antonio Garcia and a second by Shana Cohen, the meeting was unanimously adjourned at 9:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board