

## **WORK SESSION/REGULAR MEETING OF MARCH 7, 2022**

The meeting of the Fair Lawn Planning Board on Monday, March 7, 2022 was called to order at 7:00 p.m. by Chairman Ari Ludzki 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, Chairman Ari Ludzki, Shana Cohen, Oliver Wilhelm, Jorge Reyes, David Mangual, Amy Hummerstone, Joseph Mele, Anna Aleynick, Grant King

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

### **Approval of minutes**

Upon motion by Larry Metzger and a second by Shana Cohen, the minutes of the meeting of February 7, 2022 were unanimously approved. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Chairman Ari Ludzki, Shana Cohen, Jorge Reyes, David Mangual Abstain: Amy Hummerstone, Anna Aleynick, Joseph Mele

### **BCUW/Madeline Housing; Block 5709.1, Lots 2 and 3; Request for extension**

Board Attorney Paster explained the reasons for the extension request and noted if the request was not granted, the project would not be built. He explained that they were waiting for responses from New Jersey Housing and Mortgage Finance Agency for funding. Upon motion by Larry Metzger and a second by Joseph Mele, the resolution approving the extension was unanimously passed. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Chairman Ari Ludzki, Shana Cohen, Jorge Reyes, Amy Hummerstone, Joseph Mele, Anna Aleynick, Grant King

## **Clariant property**

Ms. Hochkeppel indicated that the rezoning of the Clariant site was referred to the Planning Board by the Council. She suggested that the Council may want to get the planner involved. Bruce Rosenberg stated that he represents the contract purchaser of the Clariant site. Their request is to rezone the property from R-54 residential to a new zone which is I-2-ER, Industrial – Environmental Remediation. He stated the property is unique in that there is a portion that needs environmental remediation. It is about 2 ½ acres of the 13 acre site. It will allow the rest of the property to be developed. The prior zoning was I-2 for many years. Oliver Wilhelm asked about the height permitted and was told they were looking for an increase from 40 to 50 feet. Amy Hummerstone asked why the zone was necessary and Bruce Rosenberg explained that it will allow Clariant to continue with the remediation that they have been doing for the past thirty years while allowing the rest of the site to be developed. He explained that the predominant use would be warehouse. Grant King questioned whether the Borough would still be able to meet its affordable housing obligation and Mr. Rosenberg stated that they have been working with the Borough's fair share housing Counsel in order to provide off-site affordable housing. They have also been investigating a property on Hopper Avenue. Shana Cohen asked why the height is required and Mr. Rosenberg explained that it is the typical height needed for warehousing. Chairman Ludzki stated that the issue before the Board is whether the Board wants to refer the matter back to the Council for further investigation by the planner. Grant King moved that the Board approve the referral and Joseph Mele seconded the motion. AYES: Councilmember Gail Rottenstrich, Larry Metzger, Chairman Ari Ludzki, Shana Cohen, Jorge Reyes, Amy Hummerstone, Joseph Mele, Anna Aleynick, Grant King

## **Public Comment**

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

## **19-00 & 15-00 Pollitt Drive, Block 4804, Lots 1 & 8**

Board Attorney Paster explained the memorializing resolution in detail. Chairman Ludzki asked if any members had any concerns and there were none. Upon motion by Jorge Reyes and a second by Shana Cohen, the memorializing resolution was unanimously passed. AYES: Jorge Reyes, Shana Cohen, Councilmember Rottenstrich, Grant King, Oliver Wilhelm, David Mangual, Larry Metzger, Chairman Ludzki

## **10-06 Saddle River Road**

Reginald Jenkins appeared on behalf of the applicant. He asked for the Board to delay the matter since his professionals had not yet arrived. Chairman Ludzki stated that the Board had additional business and, if necessary, he would recess the meeting for a few minutes.

## **Approval of escrow bills**

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

## **Planning Design Guidelines**

Amy Hummerstone stated that the Planning Design Guidelines for the Radburn/Fair Lawn Avenue area prepared by the EDC were reviewed by the Planning Board's planner from CME. The guidelines were revised pursuant to the planner's report. The planner's report stated that there were many modern planning techniques in the Guidelines and many visuals making them easy to understand. All of the suggested revisions were made. They included removing the term redevelopment, the word shall has been replaced with "is encouraged to", photographs of properties designated in need of redevelopment were replaced and in the signage standards, it clearly stated that the Borough's signage ordinance supersedes any conflicts. The Board should consider adopting these guidelines as part of the master plan. A subcommittee could then be formed to evaluate specific sections to make recommendations for regulations. Gregg Paster commented that the changes Amy mentioned were appropriate because some of the items the Board does not have the power to regulate. Gregg Paster suggested that the Council review the document as well as the Board. He commented that it is helpful to give the developer's guidelines. Larry Metzger asked the specific area it encompasses and Amy Hummerstone explained that it the Fair Lawn Avenue corridor from Route 208 to Abbott Street. Joseph Mele stated his biggest concern was conflicts with current ordinances but it appears that has been resolved. He wondered if the planner should get involved. Chairman Ludzki stated that Ms. Hummerstone should get the document to Ms. Hochkeppel and she will distribute it to the Board. Board Attorney Paster suggested that the Mayor and Council also be involved and the Board could receive feedback from the Council. Chairman Ludzki stated that he would prefer being around a table as it is easier to have a conversation. Ms. Hochkeppel pointed out that they were a large group and the room would be crowded. Councilmember Rottenstrich suggested that perhaps

tables can be put together in the Council chambers, and Ms. Hochkeppel stated she would speak with the manager.

Chairman Ludzki suggested that Councilmember Rottenstrich receive the document before the Council's April work session. He also suggested that the master plan subcommittee meet briefly prior to the Board's next meeting and make a recommendation as to the direction the Board should be taking.

**JQM; 8-14 Saddle River Road; Block 1508, Lot 34**

Chairman Ludzki noted that the Board did not have the architectural plans.

Reginald Jenkins appeared on behalf of the applicant. He briefly explained the application and the occupants of the building. The two occupants of the second floor do not have clients come to the office. One is a driving instructor and the other is a physical therapist who goes to her clients' homes. The applicant wants to make office space in the basement. She is not expanding her business but making everyone more comfortable. The applicant is seeking a parking variance.

Judy Duizon was sworn in and stated she is the owner of her small physical therapy practice. She stated that she has three part-time employees. She is the only full-time employee. The part-time employees work different hours so there is only two of them on the premises at once. She stated that they never had trouble with parking. She stated that she use to do her paperwork by the receptionist but it is too crowded, particularly with COVID. She needs the space in the basement for her office. She explained that also when a marketing person or a sales person meets with her, she sees them in her examination room. It would be more appropriate to have an office. Jorge Reyes asked how many clients were there at the same time. Ms. Duizon stated that the only overlap would be one patient coming and one patient leaving. Currently, the upstairs physical therapist does her paperwork on Tuesday and Thursday. The upstairs physical therapist goes to her patients homes. The driving instructor goes to the pupils' homes. They have not experienced any problems with parking. There are always spaces available. Councilmember Rottenstrich commented that the tenants that are occupying the building now may not be the tenants in the future. Ms. Duizon explained that the offices upstairs are very small. If the tenant had a large business, they would not be a fit for this building. Chairman Ludzki asked how many cars the driving instructor has and was told one. Joseph Mele asked if there was any space in the building that was vacant and was told the building was fully occupied. Larry Metzger asked about the basement. Ms. Duizon stated the basement is used for storage and her billing person works in the basement. David Mangual asked how large was the basement and was told it was approximately

the size of the first floor. Oliver Wilhelm asked for clarification of whether it was a basement or cellar.

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

Christopher Dougherty was sworn in and qualified as an expert architect. Mr. Dougherty stated that the applicant wanted to put offices in the basement. He clarified that it was a basement. Mr. Dougherty stated he explained that an egress door would be required by code. The door will exit out toward Saddle River Road with a walkway. There is no room for a ramp so stairs will be constructed. The basement is smaller than the first floor at approximately 900 square feet. The first floor is close to 1,000 square feet. They will not be seeing clients in the basement. The dormer is less than 300 square feet for the two businesses. The upstairs is very limited. There will be no expansion of the footprint of the building. Joseph Mele asked about safety measures and was told there will not be a sprinkler system but smoke alarms will be installed. Grant King asked if the alarm system would be monitored and Mr. Dougherty stated he will see if that is required. Amy Hummerstone asked about the placement of the stairway. Mr. Dougherty explained that the heating unit will be sectioned off.

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Joseph Staigar was sworn in and qualified as an expert traffic engineer, civil engineer and professional planner. He explained that they are modifying the parking slightly as they need one additional ADA space and are eliminating one space. There will be very limited disturbance to the site. There is a parking space that extends into the driveway. They are fixing that situation and fixing the ADA spaces. They are adding pavement on the westerly side. They are removing pavement and adding landscaping in the southeast corner. There is a turnaround area and the existing parking works that way. There will be a realignment of the parking spaces. Currently, there are two tandem spaces that will be assigned to employees only. It is the way it operates now. There are a total of five spaces proposed along that front. There are five spaces in the rear. They have moved the parking space out of the driveway. The first space is being moved three to four feet away from the driveway for better maneuverability. The existing parking spaces are nonconforming and this is a much better arrangement than currently existing. There is a small decrease in impervious coverage. They are required to have 20 spaces per the ordinance. Mr. Staigar stated that Fair Lawn's requirements for one space per 100 square feet is fairly hefty. Mr. Staigar stated that usually the requirement is closer to 3 ½ spaces per 1,000 square feet. Mr. Staigar testified that based upon Institute of Transportation Engineers' Parking studies, the requirement for this building would be six to seven spaces. There will be no more than three

staff, including Ms. Duizon, and maximum two patients. There will be no more than five people there for her practice at one time. She operates her business Mondays, Wednesdays and Fridays. Upstairs there is the driver instructor who is usually out on the road. There is also a physical therapist who operates outside the building. The office is for administrative work. If everyone is present, there is a demand of seven spaces. They are providing ten spaces. He testified that the variance is justified by that explanation and the benefits outweigh the detriments C(2). They have sufficient parking. He explained that if they were to provide twenty spaces (a) the site could not handle it and (b) there is no need for that many spaces. The efficiency of the land use and not exceeding any more impervious coverage is a benefit.

Mr. Staigar stated that he was replying to Lyra Knust's review letter of October 27, 2022. Mr. Staigar stated that most of the variances are existing. They include lot size, lot depth, and rear yard setback which are all existing. The existing non-conformities are not being exacerbated. The parking variance is required. He pointed out that there are very minor changes in the drainage and there is actually less impervious coverage. Mr. Staigar stated that they have an accessible route and they have the distance to provide the ramp. It was noted that they need Bergen County approval and they have already started that process. The comment from the county was to eliminate the one parking space out of the right-of-way, and they have done that. The entire parking area was moved to the west. He suggested that the first parking space should be employee only as well. They require design waivers for the landscaping. Mr. Staigar stated that the landscaping they are proposing is at the southeast corner of the site. They could provide shade trees in the back. The site has some constraints. He said there is a very limited area that will be a shade tree. He was willing to work with CME. They will revise the plans to change the specie of tree to provide more shade. There are lights on the southerly side of the building and the indentation on the southerly end. There are lights on the building as well. There is a light on the property next door that lights up the driveway area. They will do what is necessary to fulfill CME's requirements.

Lyra Knust asked about space number one and Mr. Staigar will provide her with a turning template. Amy Hummerstone asked about the ramp and Mr. Staigar explained that due to the required limited slope, it had to be placed on the side. Ms. Hummerstone was concerned about patients traversing the steps to the basement. Mr. Staigar stated that no patients will go in the basement. Mr. Jenkins stated that they would be amenable to a condition that if there was any other additional full-time activity, they would come back to the Board. Mr. Staigar confirmed to Councilmember Rottenstrich that they will be keeping the landscaping on the north side. Councilmember Rottenstrich indicated she liked the idea of a shade tree on the south side. She also asked about the rear. Mr. Staigar stated they may be able to put in some arborvitae but

there is screening with a fence. The tree they are removing is half dead. The large tree will remain. There is a small tree that they believe they can keep. Chairman Ludzki asked about the turn around and the signage. Mr. Staigar stated that trimming is needed so that the sign can be seen. Chairman Ludzki also suggested the curbing be painted yellow. Chairman Ludzki asked about whether the lot is full during certain times. Mr. Staigar stated that there is always open spaces in the lot. He has been there several times. Chairman Ludzki also asked if any of the customers parking on the residential street. Ms. Duizon stated she has never seen any client parking on the street. There is always room in the parking lot. Mr. Mele asked whether the original six spaces on the south side were practical parking spaces. Mr. Staigar stated that they were difficult to maneuver and were not practical. The five spaces that are proposed are much more practical. Mr. Mele also asked about the lighting and suggested a study to show the levels. Mr. Mele suggested that the roof drains on the south side coming onto the parking lot be diverted onto the grass area. Anna Aleynick indicated that she had concern about the compact parking spots and the alignment. Mr. Staigar explained that it currently exists today and that the van accessible space cannot be reduced in size. He explained the size of the spaces in detail. Larry Metzger asked about the compact space. Mr. Staigar explained that the purpose of the sign is to let patrons know that the space will be a little tighter than normal. He added that the difference between an 8 ½ foot and a 9 foot space is minimal. Ms. Staigar explained that the large SUVs are 6 ½ feet wide and the typical average car is 6 feet wide. Oliver Wilhelm asked if the parking analysis included the second floor. Mr. Staigar said they would take a look at it based on the architect's plans. Mr. Wilhelm also pointed out that the basement is proposed to be office space.

Mr. Jenkins commented that the same number of people that are in the building now will be in the building in the future. There is no increase in employees and/or clients. Mr. Wilhelm asked about the staircase and the area where it will protrude from the building.

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

Chairman Ludzki polled the board to see if they felt comfortable without the architectural plans. Several board members indicated they were not comfortable. Chairman Ludzki asked the applicant if they want to carry this matter or take a vote. It was determined that the matter would be carried to April 11<sup>th</sup> without further notice. Joseph Mele asked that the plans reflect the stairway.

## **Adjournment**

Upon motion by Grant King and a second by Larry Metzger, the meeting was unanimously adjourned at 9:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Secretary of the Planning Board