

WORK SESSION/REGULAR MEETING OF MAY 16, 2022

The meeting of the Fair Lawn Planning Board on Monday, May 16, 2022 was called to order at 7:00 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: Larry Metzger, Chairman Ari Ludzki, Oliver Wilhelm, Jorge Reyes, Joseph Mele, Anna Aleynick, Grant King, Councilmember Gail Rottenstrich, David Mangual, Absent: Amy Hummerstone, Shana Cohen

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

Conceptual; 27-16 Broadway

Bruce Rosenberg appeared on behalf of the applicant. He noted this was the site of Dietch's Florist. The new owners want to apply for bringing back the use of a florist and demolishing the dilapidated garage. The existing building will be upgraded and there will be an increase the parking bringing it into greater conformity. They are also planning on adding an ADA ramp which the site has never had. There will also be some landscaping added on Broadway. Mr. Rosenberg noted that even though they are adding parking spaces, a variance will still be needed as 12 spaces would be required by code. Mr. Rosenberg noted that Jacob Solomon is the architect and is available for questions. He believed this will be an improvement.

Chairman Ludzki reminded the board that this was a conceptual application and not to get into too much detail. He added that he certainly wanted the applicant to receive feedback and guidance in order to streamline the application when it becomes a formal application. Joseph Mele asked about the sidewalk and curbing. Mr. Solomon stated that they are repairing some of the sidewalk. Chairman Ludzki noted that if they are redoing the parking lot, perhaps they can place some trees in the rear to offer some shade. Mr. Solomon noted that they will be replacing the fence along the rear. They can place some planters along the back. Councilmember Rottenstrich noted that there was a large tree in the rear. Mr. Solomon noted that they will be putting a shade tree in the

rear. Larry Metzger added that he liked the idea of the florist use. Oliver Wilhelm asked where the main entrance was located. Mr. Rosenberg stated that the main door was at the corner but on the backside of the building, the door will also be used as an entrance/exit. They are modernizing the building.

Approval of minutes

Upon motion by Joseph Mele and a second by Oliver Wilhelm, the minutes of the meeting of April 11, 2022 were unanimously approved. AYES: Larry Metzger, Chairman Ari Ludzki, Jorge Reyes, Anna Aleynick, Joseph Mele, Oliver Wilhelm, Grant King Abstain: Councilmember Rottenstrich, David Mangual

Approval of escrow bills

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

General Public Comment

Chairman Ludzki opened the time for general public comment and no public wished to be heard.

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

Gregg Paster reviewed the resolution. Joseph Mele moved that the resolution be approved and Larry Metzger seconded the motion. AYES: Larry Metzger, Chairman Ari Ludzki, Oliver Wilhelm, Jorge Reyes, Joseph Mele, Anna Aleynick, Grant King

Subcommittee reports

Master Plan Subcommittee

Joseph Mele stated that the subcommittee reviewed the EVSE ordinance. Mr. Mele stated that they had several suggestions Section 125.90 Section 125.90 A. 1. Currently reads “prepare as make-ready parking spaces at least 15 percent of the required off-street parking spaces. Mr. Mele pointed out that a certain number could be required by ordinance but the board might approve a lesser amount. The committee felt the word required should be changed to provided or approved. He also stated that in Section 125.90 C it reads that notwithstanding the provisions of this section, a retailer that provides off-street parking spaces or the developer or owner of a single

family home shall not be.... Mr. Mele stated that this paragraph exempts developments with less than 25 parking spaces. The committee felt the intent is to exempt all developments such as office with less than 25 parking spaces not just retail developments. They felt the word retailer should be replaced with development application. He also stated that they felt the words “the developer or owner of a single family home” should be replaced with “a single family development application”. Mr. Mele stated that one-third of the EVSE spaces are required to be installed in the initial development, another third after three years and the last third after six years. He wondered how this would be enforced to make sure the developer follows through. He suggested that perhaps bonds be posted. Mr. Pastor didn’t think it would be legal because the bonding requirements have changed drastically after the past few years and unless it is permitted by statute, the Borough couldn’t require a bond. It was suggested that there be a requirement that the developer notify the construction official at the three year point and six year point when the additional charging spaces have been completed. 125.92 needs renumbering. Ms. Hochkeppel was asked to send a memo outlining these suggestions.

Design Subcommittee

Ms. Hochkeppel indicated that Amy Hummerstone had told her that they had a meeting and reviewed Section 1. They will meet again soon to review Section 2.

Dealz Subcommittee

Oliver Wilhelm stated that they are trying to set up a meeting on the June 14th with the members and CME. Chairman Ludzki suggested that they try and set up a meeting before the Board’s next meeting.

13-13 River Road and 13-09 River Road; Block 5610, Lots 29 & 30 and Lots 27 and 28

Jeffrey Kantowitz appeared on behalf of the applicant. He explained that this property is located in the B-4 River Road Affordable Housing overlay zone. He stated that this is a development for 13-13 River Road. There is currently a small house on the property. 13-09 is included because certain parts of 13-09 are being used in connection with the development of 13-13 River Road. The mixed-use development on 13-09 River Road that was approved several years ago and is not changing. There has been a considerable amount of development on River Road in the past several years. He mentioned several properties that have been developed in the same way (three stories/mixed use buildings). This is a companion building to 13-09. He noted that much of the testimony will track the engineering review letter which is very detailed. He noted that he gave proper notice and service. Ms. Hochkeppel confirmed that proper notice was given. The application consists of commercial on the first floor and seven residential units on the second and third floors. The variances being requested are variances that have been granted to other properties along this corridor. They include reduction in parking based upon a cooperative plan and parking underneath the building.

Robert Weissman was sworn in and qualified as an expert engineer. Sheet dated October 6, 2022 was marked as Exhibit A-1. He testified that the proposal is very similar to the property next

door. They are proposing three three-bedroom apartments and four two-bedroom apartments, one of which will be affordable. They are proposing access through 13-09. They are proposing parking underneath the building and on the easterly side. The parking under the building will be primarily for the apartments above. They are tandem spaces. There is a walkway along the northerly side. Parking calculations are 8 spaces for the retail space and 14 for the residential for a total of 22 spaces. With the deduction of 25% for the cooperative parking, 17 spaces are required and 15 spaces are provided. The drainage on-site will be three seepage pits in the rear parking area. They will provide the calculations. There is some landscaping proposed on the easterly side of the property to screen the neighbors to the rear. They have adjusted the plan to change the refuse area and are going to use one dumpster for both properties. The new lay-out was marked as Exhibit A-2. This allows them to make better use of the parking area. The rear of the property will be the same as at 13-09 River Road which includes both the PVC fencing and landscaping. The landscaping will be irrigated. There will be an ADA space. There will be a charging space in the rear and also under the building by the tandem spaces. Mr. Weissman explained the tandem spaces for the residents which is similar to parking in a driveway. The tandem spaces will be dedicated to specific units. He explained the foundation landscaping in the front of the building. They will try to introduce one or two trees in the front to add to the streetscape that exists. Mr. Kantowitz reviewed the Board engineer's letter of May 11, 2022. Mr. Weissman testified that he will make the changes requested by the Board Engineer. Mr. Kantowitz stated that the planner will speak to the various variances being requested. He explained that there is a trash room in the building. The trash is brought out and will be placed in the shared dumpster. The signage will comply with the Borough ordinance. They will comply with the Board Engineer's drainage comments and utility comments. They will coordinate the street trees with the borough. Mr. Weissman testified that it would be impractical to place trees or islands in the rear parking area. He explained the lighting and stated they will provide appropriate shielding so that the light does not spill on to the neighbor's property. Ms. Knust noted that the trash enclosure does not comply with the code. Mr. Weissman stated that they are asking for a waiver but if the Board requires a masonry structure, they will provide it. They will change the lighting to LED. Mr. Paster pointed out that a cooperative parking agreement is needed in order to get the 25% reduction. Councilmember Rottenstrich stated that the Board was seriously concerned about parking on River Road. Mr. Kantowitz stated that 13-09 and 13-13 will cooperate with one another relative to parking. Councilmember Rottenstrich did not think that 13-09 had extra spaces. Chairman Ludzki stated that at this time, the board will consider the full parking requirement without the 25% reduction.

Chairman Ludzki opened the matter to the public.

Pamela Coles, 13-34 George Street commented that the ordinance in town requires the dumpster pick up not be earlier than 7 am. Mr. Weissman stated the applicant will comply with the ordinance. She asked what type of trees will be placed in the backyard. She stated some of the yards are loaded with trash and bamboo. Mr. Weissman stated it will be a continuation of the landscaping and fencing at 13-09 River Road. She asked about snow plowing and was told the snow would be removed from the site. She asked about the entrance and exit and whether there would be left hand turns prohibited. Mr. Kantowitz stated that it is a county road and they will

make that determination. She asked about the aesthetics and was told the architect could explain better. Ms. Coles also explained a little history on the houses built in that area.

Chairman Ludzki read the letter from the historic commission which is attached as Exhibit A.

Chairman Ludzki closed the time for public comments.

Mr. Metzger commented that if 13-09 decides to sell the property, the parking could be blocked. Attorney Paster stated that at this point, the Board would need to consider the full amount of parking required. Mr. Metzger asked if there was a connection between the owners of the two properties and was told yes.

Mr. Mele stated that the plan indicates 25 parking spaces required. Mr. Kantowitz explained that the retail component was net and needed 8 spaces. Eight spaces and the 14 residential which results in 22 parking spaces required. Mr. Mele stated he would prefer a masonry enclosure around the trash. He also wondered if it would be a conflict with the ADA space. Mr. Mele asked how many units were on the 13-09 River Road. Mr. Weissman stated that there were five units. Mr. Mele asked if the lots were similar and was told they were. The building on 13-13 River Road is larger. Mr. Mele asked about an easement for the entrance. Mr. Kantowitz stated that they don't have an easement at this time. Mr. Mele pointed out that the density of this proposed development results in approximately 43 units per acre plus the retail. He felt that was very dense. Mr. Weissman stated that the apron will be replaced. Councilmember Rottenstrich stated she was concerned about the size of the application and would like to see a complete revised plan. Councilmember Rottenstrich also pointed out that they have a shade tree committee. Oliver Wilhelm asked how a resident could walk from the rear to get to the retail space. Mr. Kantowitz stated that the planner will deal with that question. Mr. Wilhelm also stated that as there are no trees in front of 13-09, he suggested that trees be carried down the street. David Mangual asked about how often and what time of day the trash would be picked up. Mr. Kantowitz stated that they will comply with the Borough ordinances and the trash will be picked up as often as needed.

Chairman Ludzki recessed the meeting for ten minutes at 9:05 p.m.

The meeting reconvened at 9:15 p.m. with all members present as previously indicated.

Mr. Kantowitz stated that 13-13 River Road, LLC is owned by 13-09 River Road, LLC. He does not believe an easement is required. Chairman Ludzki pointed out that properties are sold every day.

Mr. Gary Ascolese was sworn in and qualified as an expert traffic engineer. He testified that tandem parking is very common today and seems to be the norm in many towns. There are several properties on River Road that have tandem parking and he is not aware of any problems. Mr. Ascolese explained that the ITE has published a trip generation manual where you can assume the number of trips based upon the usage. They are now up to edition number 11. He stated that each edition costs \$1,400. He did not have edition number 11 but based his findings on edition number 10. He is confident that due to the size of this development, the numbers would

be similar based on either edition. Based upon the size of the retail area and the seven apartments, there would be approximately four additional trips in the am and pm peak hours. For the retail, there are approximately 10 trips in morning and 10 trips during evening peak. He testified that this does not take into account the bus and transit nature of Fair Lawn. He stated that the traffic generated will have a minimal effect on River Road. He also stated that he visited 13-09 and 13-05 River Road and there were many spaces available for the retail uses. He also noted only three on-street parking spaces were occupied in front of these buildings during his visit. Mr. Ascolese also suggested that if the parking spaces on River Road were striped, it would allow for more efficient parking. Mr. Ascolese stated that it is a benefit to eliminate the curb cut on River Road. It is a more efficient way to use the property with the joint access. Jorge Reyes asked if they knew the type of commercial business and Mr. Ascolese stated that the numbers were based on general retail. David Mangual asked about circulation and Ms. Ascolese stated that with the current configuration, there would be no problems with circulation. Oliver Wilhelm asked about the striping of the ingress. He also suggested that there be a sidewalk on the south side of 13-09. Mr. Ascolese stated it would take away several feet and the ADA space would not be compliant. Mr. Kantowitz said they will take a look at that possibility. Councilmember Rottenstrich stated she believed a circulation plan would assist them. In response to Councilmember Rottenstrich's question, it was noted there was no easement relative to access from 13-05. Mr. Kantowitz explained that the parking lots align. Mr. Ascolese stated that access could be made from 13-05 for emergency services if needed. Mr. Kantowitz explained that the shared ingress is between 13-13 and 13-09.

Mr. Mele asked about the setback. Mr. Weissman explained that the rear setback is 10.7 feet and three feet along the side. He asked about ADA access and Mr. Weissman explained how it would work. Chairman Ludzki stated that if the ADA space stays where it is, the access is not well defined. Board Engineer Knust explained that in order to have access to the retail space, the person would have to traverse to the front of the building. She further explained that although it is not ideal, it is often done. The area needs to be graded properly to be acceptable. Board members were concerned about the access. Anna Aleynick was concerned about the parking. She noted that 14 spots will be reserved which only leaves one parking spot. She also noted that it would be possible to compare the parking counts to 13-09. She was also concerned about traffic on River Road making left hand turns as traffic can back up and now it will be concentrated in one driveway. Mr. Ascolese stated the Board can request that the County prohibit left hand turns. Larry Metzger mentioned the RRIC. Mr. Kantowitz stated that the application was sent to the RRIC and he has received no comments. Chairman Ludzki stated that prohibiting left hand turns does not always make the situation safer because people find a way to get around it. It can cause other challenges. Anna Aleynick agreed. Councilmember Rottenstrich asked about requesting the County to stripe River Road. Board Attorney Paster said it could be requested but could not be a condition. Grant King stated that he has not yet heard testimony to justify the variances. Mr. Kantowitz stated that there is still testimony to come from the architecture and planner. He also noted that in the event of a fire, there would not be fire trucks in the rear. For a medical emergency, there might be an ambulance but not a fire truck.

Chairman Ludzki opened the matter to the public.

Pamela Coles, 13-34 George Street, stated that she was concerned about fire truck access. She stated that there was no plan for a road from Chase Bank to Hopper Avenue. She also added that it is not on grade. She also stated that parking on George Street is a nightmare. She was also concerned about pedestrian safety. She stated that River Road is not the most pedestrian friendly venue. She was concerned about all the turns and asked if they could be done safely. Mr. Ascolese stated that it did believe it could be accomplished safely and they are not changing any turning movements. Chairman Ludzki added that if the application were approved and the turning movements became problematic, the Council could petition the County to restrict the movements. That can be done at any time. Chairman Ludzki also pointed out that according to the testimony, there will be a slight increase in movements but they are also centralizing those movements.

As no other public wished to be heard, Chairman Ludzki closed the time for public comments.

Board Engineer Knust asked if any traffic counts had been done, and Mr. Ascolese said no.

It was agreed to carry the matter to the June 13th meeting without further notice. Mr. Kantowitz agreed to extend the time for the Board to act.

Adjournment

Upon motion by Grant King and a second by Joseph Mele, the meeting was unanimously adjourned at 10:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board