

WORK SESSION/REGULAR MEETING OF JUNE 13, 2022

The meeting of the Fair Lawn Planning Board on Monday, June 13, 2022 was called to order at 7:00 p.m. by Councilmember Gail Rottenstrich 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: Oliver Wilhelm, Jorge Reyes, Anna Aleynick, Grant King, Councilmember Gail Rottenstrich, David Mangual, Amy Hummerstone, Shana Cohen, Absent: Chairman Ari Ludzki, Larry Metzger, Vice Chairman Joseph Mele

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

Resolution No. 22-05

Attorney Paster explained that this resolution was giving the chairman and secretary authorization to sign the Developer's Agreement for the Senior Living Facility. Upon motion by Grant King and a second by Oliver Wilhelm, the resolution was unanimously adopted. AYES: Oliver Wilhelm, Jorge Reyes, Anna Aleynick, Grant King, Councilmember Gail Rottenstrich, David Mangual, Amy Hummerstone, Shana Cohen

Approval of minutes

Upon motion by Oliver Wilhelm and a second by Anna Aleynick, the minutes of the meeting of May 16, 2022 were unanimously approved. AYES: Jorge Reyes, Anna Aleynick, Joseph Mele, Oliver Wilhelm, Grant King, Councilmember Rottenstrich, David Mangual Abstain: Amy Hummerstone, Shana Cohen

Approval of escrow bills

Upon motion by Grant King and a second by Anna Aleynick, the escrow bills were unanimously approved. AYES: Oliver Wilhelm, Jorge Reyes, Anna Aleynick, Grant King, Councilmember Gail Rottenstrich, David Mangual, Amy Hummerstone, Shana Cohen

Subcommittee reports

Design Subcommittee

Amy Hummerstone said they had another meeting and are reviewing the guidelines section by section and are meeting monthly.

Dealz Subcommittee

Oliver Wilhelm stated that they had a subcommittee meeting. They are requesting a three-dimensional rendering. The developer is willing to meet with the subcommittee and the planner in the near future.

Statutory review of Ordinance No. 2623-2022

Attorney Paster explained that although the Board had made some suggestions, the borough attorney stated that no changes could be made to the state's model ordinance. Upon motion by Grant King and a second by Oliver Wilhelm, it was the unanimous consensus to recommend adoption of the ordinance consistent with the master plan.

Statutory review of Ordinance No. 2625-2022

Councilmember Rottenstrich explained that this ordinance changes the zone of the Clariant property from R-4-5 to industrial. There was some discussion regarding the riverfront property and a river walk. Councilmember Rottenstrich stated it would be nice but environmentally it might not be possible. Grant King pointed out that it has been done in other communities. Councilmember Rottenstrich stated that the Council would like to see the property developed in some productive way as it has been sitting idle for more than twenty years. Grant King stated that the contamination is worse on certain parts of the site. Upon motion by Grant King and a second by David Mangual, it was the unanimous consensus to recommend adoption of the ordinance.

General Public Comments

Councilmember Rottenstrich opened the matter to the public.

Pamela Coles, 13-34 George Street, stated that the contamination on the Clariant site goes into the bedrock. She also explained that it is a natural plateau from the ice age. There is an immediate dip after the bridge. It cannot have a river walk because it is a cliff. She also stated that there is a northern weir and a southern weir that has been there for hundreds of years. She was concerned if there was a river walk, that the weirs might be destroyed. Ms. Coles also stated that she has a list of contaminants on the site. She would not like to see any illnesses resulting from development of the site.

Since there was no other public to be heard, Councilmember Rottenstrich closed the time for public comment

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 and explained that this is a continuation from the previous hearing. Mr. Kantowitz explained that they revised the plans. The number of residential units has been reduced from seven to six. The size of the retail space has also been reduced which affects the required parking. The variance sought has been reduced substantially. They also have a landscaping plan. He also explained that there is no opportunity to enter into a cooperative parking agreement with neighboring properties. Councilmember Rottenstrich noted there was now 18 bedrooms. She also asked about affordable housing and was told one unit will be dedicated to affordable housing. Mr. Kantowitz stated that he had also prepared a form of easement that was sent to the Board's counsel.

Mr. Weissman was reminded he was still under oath. Mr. Weissman stated that the changes include reduction in the number of units and reduction in the size of the retail space. The retail space now requires five spaces and the six residential units require 12 spaces. He explained the landscape area. They provided an electric car space in the rear. There is a walkway to the front door. They are providing pavers. He explained the circulation in detail. He outlined the variance requests which includes the side yard setback. There is zero side yard setback on both sides where zero and twelve feet are required. Mr. Weissman testified that the building coverage variance is no longer needed due to the reduced size of the building. The applicant will comply with all the requirements in Section II, items a through g, of the Board Engineer's letter. The planner will testify relative to the variances. Mr. Weissman testified that the tandem spaces will function similar to a single family driveway. They will comply with the borough's sign ordinance. The new parking configuration was marked as A-4 and was passed out to the members. The new parking configuration includes a van accessible space. Mr. Weissman explained the parking on the easterly side. They eliminated a space to accommodate the ADA space. Mr. Weissman explained the parking lot in detail. Mr. Weissman stated that they will comply with the Board Engineer's suggestions relative to site grading, drainage and utilities. The dumpster has been eliminated and there will be a trash collection area in the basement. Oliver Wilhelm was concerned with parking space six. Mr. Weissman stated that the ADA striping can be traversed. Mr. Wilhelm suggested that the landscaping be moved from the north side to the south side. Grant King was concerned about the trash. Mr. Kantowitz stated that there will be testimony regarding disposal of the trash. Anna Aleynick asked about the easement and was told the Board attorney will review it. There are dual easements. There is a reciprocal easement

between 13-09 and 13-05. There is a reciprocal easement between 13-09 and 13-13. Oliver Wilhelm was concerned that the easement does not go far enough. Mr. Kantowitz stated that the actual rights granted by the easement may be different than the hatching that is depicted. Anna Aleynick asked if a parking variance was granted for 13-09 River Road and Mr. Kantowitz stated that twelve spaces were required and twelve spaces were provided. Amy Hummerstone asked about the width of the driveway and was told it was 24 feet. David Mangual was concerned about backing out and asked about the aisle widths. Mr. Weissman stated that they are standard aisle widths of 24 feet. Mr. Weissman added that they are the same width as any standard parking lot. Councilmember Rottenstrich asked if the parking spaces on 13-09 were also tandem spaces. Mr. Weissman stated the spaces under the building are tandem and, according to the property manager, function very well. Mr. Kantowitz explained that there will be the same movement as presently exists at 13-09 except the car will travel a little farther north to park behind 13-13.

Councilmember Rottenstrich opened the matter to the public.

Pamela Coles, 13-34 George Street, asked what the side yard setback will be and was told zero on both sides of 13-13 River Road. She asked if there was shared parking between the buildings and was told yes. She stated that one of the current tenants owns a large truck which extends into another parking space. She was told that a truck of that size should use the rear parking. She was concerned about maneuvering. Mr. Weissman stated that the drive aisles are standard width and the spaces are standard size which is 9 x 18. She asked about the trash and was told it would be hauled out to the curb. She complained about the dumpster at 13-09 and the condition of the property which is adjacent to her backyard. She was told that there will be a property manager at 13-13 River Road. She expressed concern about crossing a double striped line to enter the property.

Gary Ascolese was reminded he was sworn in. Mr. Ascolese testified that left turns are allowed to be made across double yellow lines. The double yellow lines indicate that you cannot pass. He reiterated that the trip generation will be reduced based upon the reduction of a unit and the reduction of square footage in the retail space.

Councilmember Rottenstrich opened the matter to the public.

Pamela Coles asked about the no left turn sign by Columbia Bank and Ms. Hochkeppel explained that it was put up years ago by the borough when Columbia installed their drive-thru.

Councilmember Rottenstrich recessed the meeting for 10 minutes at 9 p.m.

The meeting was reconvened at 9:10 p.m. with all members present as previously indicated.

Bradley Neumann was sworn in and qualified as an expert landscape architect. The landscaping plan was marked as Exhibit A-5. Exhibit A-5 (c) was a colorized version of the landscaping plans. He explained the plan in detail. They will also be using decorative gravel. There are landscaped beds on both sides of the walkway. It is staggered plantings. He testified that it is appropriate landscaping for River Road. Design waiver is requested for shade trees for every ten parking

spaces. Mr. Neumann stated that many of the parking spaces are under the overhang and are shaded. They are saving the tree that is presently there. A design waiver is also requested for landscape islands between spaces. There is one landscape island. They are not showing a street tree because a tree planted too close to the walkway could cause a dangerous situation. Shana Cohen asked if they could plant a tree along the curb line. Mr. Neumann stated that physically you could put a tree there but he wouldn't feel comfortable recommending it because the area is not large enough to support tree roots. It would only last a few years. Amy Hummerstone asked about the balcony and was told they will face River Road. Jorge Reyes asked about placing a tree nearer to the curb. Grant King asked about the gravel area and was told it was pervious. Oliver Wilhelm asked about the arborvitae and was told they would be planted at 6 feet. He also asked if a tree could be planted in the right of way and was told it would need the permission of the county. Chairman Rottenstrich stated that they envisioned an inviting streetscape and trees are part of that vision. She also asked if there are any native plants and was told a small portion are. Mr. Neumann explained that the arborvitae are the most appropriate plant for screening. He said that the landscaping beds smaller beds and he wanted durable plants. He explained that the plants do support the eco system.

Councilmember Rottenstrich opened the matter to the public.

Pamela Coles, 13-34 George Street, stated that according to Councilmember Reinitz, not one tree was planted in about three years on River Road. She said there is no character to the building and a tree would be helpful. She asked about the height of the holly bushes and Mr. Neumann stated they would be staggered. She asked about the current trees on River Road and was told they are a type of cherry tree. She asked his suggestions relative to the trees. Mr. Neumann stated that it is not his function to give the community advice but if the town wants to plant trees on their property, they should. He suggested that the town should get an arborist involved so the root system has sufficient room.

Mr. Kantowitz stated that they are amenable to a tree at the curb but it is not their property.

Rafael Danon was sworn in and qualified as an expert architect. The architectural plans were marked as Exhibit A-6. A colorized rendering was marked as Exhibit A-7. Mr. Danon explained the plans in detail. He stated both buildings will have similar finishes and similar architectural detail. The first floor is retail. The second and third floors are residential. He explained the storage space and the staircase. Mr. Danon also explained the apartments in detail. He stated that the third floor is almost identical to the second floor. There are balconies facing River Road. He explained the utilities. They have designed the retail space for one user. Mr. Danon explained the elevations. The height is 30 feet where 35 feet is maximum.

Jorge Reyes asked about the staircase. Mr. Danon explained that there is one staircase that leads up to the roof for maintenance purposes. Amy Hummerstone asked about the materials on the exterior. Mr. Danon explained that they are going to match the material at 13-09 as much as possible. It will be stucco over cement with vinyl windows. Shana Cohen asked about the windows and Mr. Danon stated they would match the existing structure at 13-09. Ms. Hummerstone asked about the basement and was told it was small and would house the utilities.

She also complimented Mr. Danon for fitting a great deal in but was concerned about natural light in apartment one and the number of windows. David Mangual asked if there was going to be one store on the first floor and was told that there will be only one. He noted that on 13-09 River the front is not being maintained. He said that paint from the balcony is running down the building. Anna Aleynick asked him to explain how the trash would be handled. Mr. Danon explained that the property manager will take the trash out to the curb. She was also concerned about the number of windows. Oliver Wilhelm asked about sprinklers and was told they will be throughout the building. He also commented that there will need to be a firewall on the north side. He asked if the windows on the north side would have capabilities for egress and was told that they would. Mr. Danon explained that the trash would be taken out in a cart. Grant King asked about the type of sprinklers and the architect said it will be to code. Mr. King suggested that the sprinklers be of the same quality as the commercial use for the residential use. Mr. Wilhelm stated that trying to match the building at 13-09 is a good thought but he said they should consider that one building is going to look brand new and one won't. Councilmember Rottenstrich stated that she believed it is a lot in one building. She asked about the overhang and was told it was similar to the building at 13-09. Anna Aleynick commented that the walkway is four feet and wondered if the windows would allow egress. Mr. Danon stated that the four feet area is sufficient. Mr. Wilhelm stated that the basement is being shown on the south side. He asked if there was a similar basement in the sister building and was told that there was. Councilmember Rottenstrich asked about ADA access and was told there is an elevator on site. Councilmember Rottenstrich opened the matter to the public.

Pamela Coles, 13-34 George Street, stated that originally the trash bin was going to be shared. She asked for clarification. Mr. Kantowitz stated that the new building will keep the trash inside and will brought to the street. The building at 13-09 also has a trash room inside and takes trash to the street. There was some discussion about the trash receptacle on the sister building. Mr. Kantowitz stated that the new building will not be using the receptacle. She suggested the receptacle at 13-09 be removed as it could provide additional parking. She asked about air conditioning for the residences. Mr. Danon explained that all the condensers will be placed on the roof away from the line of sight. She was also concerned about access from only one staircase. She asked about getting a letter from the fire official. Councilmember Rottenstrich stated it would have to meet the fire code. Oliver Wilhelm added that it would also have to meet the building code. Ms. Coles stated that there is only one opportunity to get this right and she hoped everything gets resolved properly.

Jeffrey Kantowitz noted that the planner still needed to testify. He suggested that he did not need the landscaping architect or the traffic engineer for the next meeting. Councilmember Rottenstrich stated that her questions from those witnesses have been answered. It was the consensus of the board that they did not need to bring back those witnesses.

It was agreed to carry the matter to the July 18th meeting without further notice. Mr. Kantowitz agreed to extend the time for the Board to act.

Adjournment

Upon motion by Oliver Wilhelm and a second by Grant King, the meeting was unanimously adjourned at 10:25 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board